

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 10

In the Matter of:

Amazon.com Services, LLC, Case No. 10-RC-269250

Employer,

and

Retail, Wholesale and  
Department Store Union,

Petitioner.

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UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
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AMAZON.COM SERVICES, LLC,

Employer,

and

RETAIL, WHOLESALE AND  
DEPARTMENT STORE UNION,

Petitioner.

Case No. 10-RC-269250

The above-entitled matter came on for hearing, pursuant to notice, before **KERSTIN MEYERS**, Hearing Officer, at the National Labor Relations Board, Region 10, via Zoom videoconference, on **Tuesday, May 25, 2021, 9:20 a.m.**



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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Jena		1596	1638		
David Odom	1643	1676	1683,1686,1689		
	1685,1687				
Dawn Hoag	1691	1716	1745		
Carla Johnson	1748	1761			
Thomas Lewter	1772	1783			
Jeffrey (J.C.) Thompson		1791,1801		1805	1818
	1825	1797			

E X H I B I T S

<u>EXHIBIT</u>	<u>IDENTIFIED</u>	<u>IN EVIDENCE</u>
<b>Employer:</b>		
E-121	1640	1641
E-116	1651	1660
E-109	1666	--
E-117	1660	1673
E-118	1672	1673
E-119	1796	1801

<b>Union:</b>		
U-36	1621	1676
U-37	1726	1732

1                                    P R O C E E D I N G S

2                    HEARING OFFICER MEYERS:    Good morning.    Is everybody ready  
3    to proceed?

4                    MR. BRODERDORF:    Yes.

5                    MR. ROUCO:    Yes, I am.    And I apologize.

6                    HEARING OFFICER MEYERS:    No, no, worries.    We understand.

7                    Ms. Smith, you are still under oath.    Thanks for coming  
8    back this morning.

9    Whereupon,

10                                    JENA SMITH

11    having been previously sworn, was called as a witness herein  
12    and was examined and testified, telephonically as follows:

13                    HEARING OFFICER MEYERS:    I'm going to allow Union counsel  
14    to ask you some questions.

15                    And Mr. Rouco, your witness.

16                    MR. ROUCO:    Thank you.

17                                    CROSS-EXAMINATION

18    Q    BY MR. ROUCO:    Good morning, Ms. Smith.

19    A    Good morning.

20    Q    And I apologize for the delay in getting connected.

21    A    No worries.

22    Q    That's just the universe we live in now, so.    Ms. Smith if  
23    I understand your background correctly, you -- you work in HR  
24    at -- in Orlando fulfillment center; is that correct?

25    A    That's correct.

- 1 Q And that's known as MCO1; is that right?
- 2 A That's right.
- 3 Q And then you also worked at the fulfillment center in
- 4 Charlotte, North Carolina; is that correct?
- 5 A That's correct.
- 6 Q And that facility is known as CLT4; is that right?
- 7 A Yes.
- 8 Q Are you presently located here in Birmingham, Alabama?
- 9 A Yes, I am.
- 10 Q Now, is the MCO facility -- I think you said it's an AR
- 11 sortable fulfillment center; is that right?
- 12 A Yes.
- 13 Q And that's the same type of center as the BHM1?
- 14 A Yes.
- 15 Q What is the square footage of MCO1; if you recall?
- 16 A I believe it was around a million square feet.
- 17 Q Okay. And how many full-time associates -- fulfillment
- 18 associates do they employ?
- 19 A When I was there, I believe around 4,000, but it's been a
- 20 few years.
- 21 Q Okay. And that's -- that's full time and part time?
- 22 A Yes.
- 23 Q Is there onsite HR at MCO1?
- 24 A Yes, there is.
- 25 Q How about hum- -- employee relations; is there an employee

1 relations representative on site?

2 A Not all the time.

3 Q Now, is it -- is it the fac- -- is it the case that with  
4 employee relations personnel that they are not assigned to a  
5 specific site?

6 A That's correct.

7 Q Okay. They're assigned to the region or an area; is that  
8 right?

9 A Yes.

10 Q Now, is -- again, CLT4 is also an AR sortable fulfillment  
11 center?

12 A Yes.

13 Q Same type as BHM1?

14 A Yes.

15 Q The square footage is about the same?

16 A Yes.

17 Q And how many full-time fulfillment associates, when you  
18 were there, did CLT4 employ?

19 A I want to say between 4,000 to 4,500, around there.

20 Q Again, there's -- there's on site HR at CLT4; is that  
21 right?

22 A Yes.

23 Q Now, you testified that you were a liaison between  
24 employee relations and HR; do you recall that testimony  
25 during --



1 A Yes, I do.

2 Q And this is during this union campaign that happened at  
3 BHM1; is that right?

4 A That's correct.

5 Q Can you describe for the hearing officer what's the  
6 difference between ER and HR?

7 A So ER, our primary role is to -- we're there on site  
8 almost 24 hours a day, working with associates, working with  
9 managers, working on different kind of -- different sort of  
10 matrix. That's basically what we work on.

11 Q And -- and ER is primarily -- they usually come in when  
12 there's potential of a union drive in a facility?

13 A No, we have ER representatives visit us quite frequently.

14 Q Okay. And so what kind of issues do ER people deal with  
15 that HR doesn't?

16 A So employee relations, they are our partner. So they help  
17 train HR. They train our managers. They talk to asol- --  
18 associates to kind of get a pulse of the building.

19 Q So the -- the training that's performed is on what the  
20 National Labor Relation Act requires?

21 A They do a lot of different trainings.

22 Q Is it mostly training on legal matters?

23 A Some, but then a lot of the training is on how to help our  
24 managers become better leaders.

25 Q Okay. All right. Now, is it fair to say that E -- or the

1 employee relations led Amazon's Vote No campaign that -- at  
2 BHM1?

3 A To my knowledge, yes.

4 Q And were HR people assigned to work with an employee  
5 relations person during the campaign -- the Vote No campaign at  
6 BHM1?

7 A No, we weren't assigned to work with anyone.

8 Q Did you assign them to show up at the mandatory meetings?

9 A HR did participate in the mandatory meetings -- or we sat  
10 in.

11 Q And HR would scan people's badges as they came into the  
12 meeting?

13 A That's correct.

14 Q And then observed the meeting; is that right?

15 A Yes.

16 Q Now, you testified that there was an open -- that there's  
17 an open-door policy at BHM1; is that right?

18 A Yes, that's correct.

19 Q Now, I take it the purpose of the policy is to keep  
20 communication open between management and associates; is that  
21 right?

22 A Yes.

23 Q And under this policy, managers can address any concern  
24 that an employee may have; is that right?

25 A That's correct.

1 Q And this -- the issues that -- that typically get  
2 addressed, I think your testimony was, it's mostly  
3 individualized issues, such as the need for leave, perhaps a  
4 schedule change during the given week; is -- is that correct?

5 A It could be individualized issues, but I've also seen it  
6 be issues, maybe, that a group of associates has related to a  
7 specific department.

8 Q Okay. And what kind of issues has that been in terms of a  
9 group of associates?

10 A It could be, potentially, maybe they don't have the  
11 resources that they need on the shift or maybe they don't have  
12 as much manager support as they would like. So just working  
13 with some of the leaders to help provide that support to the  
14 associates.

15 Q But that -- can -- can a manager change somebody's pay  
16 pursuant to the open-door policy?

17 A No, they cannot.

18 Q Okay. Can they change work rules in terms of -- of what  
19 gets disciplined and what doesn't?

20 A No, they cannot.

21 Q Can they change the benefits that an employee receives as  
22 a result of this open-door policy?

23 A No, they cannot.

24 Q So it -- is it fair then to say that the open-door policy  
25 deals mostly with issues that employees have that come up that

1 are individualized or that are specific to their needs to -- in  
2 order to -- to work at -- in a certain department?

3 A Yes.

4 Q Okay. Now, in your experience, is the open-door policy  
5 important to Amazon?

6 A Yes, it's extremely important.

7 Q Okay. Have you surveyed employees about the policy?

8 A I have not personally.

9 Q Okay. Do you know whether anyone at Amazon has surveyed  
10 employees about their opinions regarding the open-door policy?

11 A Not that I know of.

12 Q Are you aware of whether employees -- and by "employees,"  
13 I mean associates, right --

14 A Uh-huh.

15 Q -- whether associates value the open-door policy?

16 A From my one-on-one interactions with associates, yes.

17 Q Okay. And from your one-on-one interactions with  
18 associates, have you -- do you have an opinion about whether  
19 the open-door policy is an important element of an associate's  
20 working conditions at BHM1?

21 A Based on the feedback from associates, they do seem that  
22 it is valuable.

23 Q Okay. Now, in your experience, would eliminating the  
24 open-door policy adversely impact associates?

25 A I would say, yes.

1 Q Okay.

2 MR. ROUCO: Can we put up Union Exhibit 2, please?

3 HEARING OFFICER MEYERS: Madam Bailiff, can you put up  
4 Union 2, please?

5 MS. MILLER: Yes, give me just a second.

6 Q BY MR. ROUCO: Now, Ms. Smith, what has already be- --  
7 what's been marked and already admitted into evidence as Union  
8 2a is a -- a message that was sent to employees during the  
9 organizing drive at BHM1. Had you seen this document before?

10 A I've seen the message before.

11 Q Okay. Would you agree that the message that's being sent  
12 to employees here is that the open-door policy would go away if  
13 employees voted to have a union?

14 MR. BRODERDORF: Objection. Relevance and calls for  
15 subjective impression of a document that speaks for itself.

16 HEARING OFFICER MEYERS: Let me -- let me think for a  
17 second.

18 Go -- I'm going to sustain the -- please rephrase.

19 MR. ROUCO: Yeah. Well, the -- the reason -- the reason  
20 I'm asking this line of questioning is that this witness was  
21 put on to testify about the open-door policy and how important  
22 it is and what a valuable element it is in working conditions.  
23 And I think it's fair to ask this witness who's been put on as  
24 the open-door policy witness, whether the -- the message that  
25 was sent out to employees is consistent with the open-door

1 policy in her view.

2 HEARING OFFICER MEYERS: I'm -- I'll agree, but that --  
3 but it's asking for her subjective impression.

4 MR. ROUCO: Okay.

5 HEARING OFFICER MEYERS: So can you rephrase?

6 MR. ROUCO: I'll -- I'll just move on to another area if  
7 her subjective impression is not important in this case.

8 Q BY MR. ROUCO: So Ms. -- Ms. Smith, you -- the -- you  
9 testified about the Voices of Associates (sic throughout) and  
10 Voices In Action (phonetic throughout). Do you recall that --  
11 being asked questions about that program?

12 A Yes.

13 Q Okay. And I think you testified that -- that -- it's  
14 Exhibit 97.

15 MR. ROUCO: If we may display Exhibit 97, please.

16 HEARING OFFICER MEYERS: Madam Bailiff, can you put up  
17 Employer's 97, please?

18 Q BY MR. ROUCO: Okay. And -- and I think your testimony  
19 was that Employer 97 was a photograph that you recently took;  
20 is that right?

21 A That's correct.

22 Q And -- and in this particular instance, I'm interested in  
23 the BHM1 Voices In Action panel. Do you see that there?

24 A Yes, I do.

25 Q Okay. So the question here -- the associate suggestion is

1 something about they're looking for more promotion  
2 opportunities; is that right?

3 A That's correct.

4 Q And then there's a BHM1 action taken, which is a response  
5 to that suggestion; is that right?

6 A Yes.

7 Q And was this an action, to your knowledge, taken  
8 specifically to address that suggestion?

9 A It -- it was a question posed and then, yes, we had  
10 positions, and we posted them.

11 Q So did you do something that -- my question is, in  
12 response to this suggestion, did HR BHM1 do something that it  
13 was not otherwise doing?

14 A We -- we do hire periodically through the year. So it  
15 would be something that is typically planned during that time  
16 of year.

17 Q Do you recall whether there were any -- well, let me ask  
18 you, with respect to this particular message, do you know how  
19 long it's been posted on that screen?

20 A No, I don't.

21 Q So that -- that could've been -- that could've been there  
22 for a month or two?

23 A Potentially.

24 Q Potentially. So sitting here today, you don't know  
25 whether that was something that was posted during the month of

1 March; is that correct?

2 A I can't remember when it was posted?

3 Q Were there -- are there other scr- -- does BHM1 Voices in  
4 Action -- other than this screen that is being displayed on  
5 Exhibit Number 97, is -- is the information that's contained in  
6 that message distributed in another manner?

7 A The information on that screen, the Voices in Action, is  
8 only on that screen.

9 Q Okay. It's not -- it's not sent to employees through the  
10 A to Z app?

11 A No, not to my knowledge.

12 Q Do you know whether it's texted to employees?

13 A No, not to my knowledge.

14 Q And this screen, if -- if I understand its location, it's  
15 right behind the help desk on the first floor?

16 A That's correct.

17 Q So employees coming to the help desk could see the screen;  
18 is that right?

19 A That's correct.

20 Q Okay. Does that help -- does that help desk on the first  
21 floor -- you say that's been there since the facility op- --  
22 launched; is that right?

23 A Yes, in that area. Yes.

24 Q In -- in your experience, does that -- is that first floor  
25 HR help desk something that gets a lot of traffic?





1 A Yes, it gets a lot of traffic.

2 Q Okay. So a lot of -- a lot of employees come to that desk  
3 seeking assistance; is that right?

4 A Yes.

5 Q Is there a document that shows each Voices in Action  
6 message that was displayed on this screen?

7 A I -- there's not a document, but there is a Amazon web  
8 portal where you can view all the comments.

9 Q Is that what's displayed on the other -- on the screen to  
10 the left of the BHM1 Voices in Action screen?

11 A In your -- so you're referring to the Voices of Associate,  
12 correct?

13 Q Right. Yeah. I mean, I think they're two things. There's  
14 Voices of Associates and then there's -- what I'm looking at in  
15 terms of the Exhibit 97, there's a screen that says BHM1 Voices  
16 in Action, right?

17 A Yes.

18 Q Is that the same thing as Voices of Associates?

19 A No, that's different.

20 Q That's different. So Voices of Associates, that's -- that  
21 is displayed on the screen next to the BHM1 Voices in Action;  
22 is that right?

23 A That's correct.

24 Q So when -- when it comes to the BHM1 Voices in Action,  
25 where does H -- where does HR -- well, let me ask this. Is

1     that a screen or message that's prepared by HR employees at  
2     BHM1?

3     A     The Voices in Action, yes.

4     Q     Yes. Yeah, and that's -- that's my focus. My questions  
5     are Voices in Action.

6     A     Okay.

7     Q     And how do the HR personnel at BHM1 learn about associate  
8     issues?

9     A     Yes. So where we pull this data from would be the Voices  
10    in -- Voices of Associates. So issues raised there, issued  
11    raised on site walks. We speak with senior leaders to see if  
12    we've made any improvements based on associate suggestions. So  
13    that's typically where we get those from.

14    Q     And -- so I assume that the BHM1 Voices in Action, these  
15    messages were also being displayed during the Union campaign  
16    back in December, January, February, and March; is that right?

17    A     Yes, these have been displayed since the launch.

18    Q     Now, you testified that there's a second HR desk that was  
19    added to the third floor in November to assist with peak; is  
20    that right?

21    A     That's correct.

22    Q     Now, peak ended right after December 25th; is that right?

23    A     That's correct.

24    Q     But the third-floor help desk remained open after peak; is  
25    that right?

1 A That's correct.

2 Q And the reason for that is that it made HR more accessible  
3 to employees; is that right?

4 A Yes.

5 Q And that third floor HR desk made it easier for employees  
6 to have their problems addressed; is that right?

7 A Yes, it gave them a second option.

8 Q And is that second HR desk still present?

9 A Yes, it is.

10 Q Does it get about as much traffic as the first floor one?

11 A Not as much traffic, but it did help alleviate the traffic  
12 at the first-floor desk.

13 Q Now, you've also testified that employees -- that there  
14 was an effort to get employees to sign up to the A to Z app.  
15 Do you remember that testimony?

16 A Yes, I do.

17 Q And I think Exhibit 100 was -- I guess, it's a PowerPoint  
18 presentation or it was used for training; is that right?

19 A Yes.

20 Q And did you prepare the slides of this presentation?

21 A No, I did not.

22 Q Did someone under your supervision prepare the slides for  
23 this presentation?

24 A No.

25 Q So this was something that is in the resources of someone

1 else at Amazon; is that right?

2 A Yes. Yeah.

3 Q And the -- the training was -- was it limited to managers?

4 A We trained our managers and then our HR team.

5 Q Okay. Did -- did the training include getting process  
6 assistants to help out with having employees sign up or use the  
7 app?

8 A Not to my knowledge.

9 Q Okay. Now, the -- I think you were asked that the --  
10 the -- Exhibit Number 100 has a date of September 4th, 2020,  
11 and I believe your testimony was that the training started  
12 about a week after that date; is -- is that correct?

13 A It was completed a week after that date.

14 Q Okay. And then supervisors or managers then started to  
15 try to get employees to sign up for A to Z; is that right?

16 A That's correct.

17 Q And was this campaign to increase A to Z usage, was that  
18 suspended during peak?

19 A By that point, almost all of our associates were opted in.  
20 So we did continue to talk to associates who didn't opt in, but  
21 by that point, approximately 90 percent were already opted in.

22 Q Okay. So then by -- by peak season, there was -- is -- is  
23 it your testimony that there was no -- no longer an effort to  
24 get employees to sign up for A to -- for the A to Z app?

25 A No, there's still an effort today. Any new employee, we



1 still have to work with them to get them to opt in.

2 Q No, I -- I understand that there's still, you know, new  
3 employees and there's still an effort to get people to sign up  
4 or to opt into A to Z, but the -- the concerted effort that's  
5 reflected in Exhibit 100, that was a special project, right?

6 A Yes. Well, once we got everyone opted in, you can't  
7 continue at the same level because you just don't have the  
8 amount of people to talk to.

9 Q Correct. And my -- and I believe your testimony is that  
10 that happened -- was it before Prime Day that that had  
11 occurred?

12 A Yes.

13 Q Okay. So by mid-October, most people already opted in; is  
14 that right?

15 A Maybe a little bit after that date, but yeah, around  
16 there.

17 Q And the -- the campaign by managers to encourage employees  
18 to opt in, it was pretty much done by Oc -- mid-October; is  
19 that right?

20 A We met our goal around that date.

21 Q Okay. I'd like to draw your attention now to Amazon  
22 Connections Program. If I understand it, that's -- that's a  
23 program where the company -- or Amazon is serving employees; is  
24 that right?

25 A Yes.

1 Q Okay. And Exhibit 103 --

2 MR. ROUCO: Can you please display that, Madam Bailiff?

3 Q BY MR. ROUCO: This is a photograph of the kio -- Amazon  
4 Connections kiosk; is that right?

5 A Yes.

6 Q And you took this photo last week; is that right?

7 A That's correct.

8 Q And to use the Amazon Connections kiosk, an employee has  
9 to scan their badge; is that right?

10 A Yes.

11 Q Are employees required to answer the surveys that come  
12 through Amazon Connections?

13 A No, they're not.

14 Q Is this kiosk that's called the Amazon Connections kiosk,  
15 is that used for -- for other functions?

16 A This one is only used for Connections to my knowledge.

17 Q So why would there just be an Amazon Connections kiosk if  
18 it wasn't something that was required for employees to view?

19 A So the -- the associates have the option to answer the  
20 questions.

21 Q Are -- do -- do managers encourage employees to answer the  
22 questions?

23 A Yes, we want associates to answer the questions to gather  
24 feedback.

25 Q Is it part of management training to remind employees that

1 they should answer the questions that are asked through this  
2 Amazon Connections Program?

3 A I'm unaware of any training that says that.

4 Q Now, the Amazon Connections messages -- or -- or  
5 questions, they also show up at an employee's workstation when  
6 they sign in; is that right?

7 A Yes.

8 Q Okay. And if you look at Exhibit 103, you see in the back  
9 it looks like there's somebody that's at a workstation; is that  
10 right?

11 A Yes.

12 Q And that -- that screen that they're wat -- that they are  
13 working at, at that workstation is -- am I correct that when  
14 they scan their badge in, they'll get the questions that are  
15 part of the Amazon Connection appear on that screen?

16 A That's correct.

17 Q Now, you testified that the -- the -- the answers to the  
18 questions are analyzed. Do you recall that testimony?

19 A Yes.

20 Q Who is it that analyzes the feedback to the Connections  
21 questions?

22 A That would be a corporate team.

23 Q And do you see reports from the corporate team that set  
24 out their analysis of the surveys?

25 A Yes.

1 Q And do those reports also make suggestions on things that  
2 you can change to response in the surveys?

3 A Yes.

4 Q So if employees -- if a response to a Connection question,  
5 employees expressed that -- for example, they're unhappy with  
6 the promotion opportunities, will you get that feedback from  
7 corporate?

8 A Yes. We'll get the feedback with suggestions on how we can  
9 help improve.

10 Q And this surveying, receiving feed -- feedback -- well,  
11 let me -- let me ask you another question before I ask you  
12 that.

13 Are you aware of whether BHM1 has ever adopted any changes  
14 to working conditions as a result of responses to Connection  
15 questions?

16 A I'm sure we have, but none that I can remember right now.

17 Q Was the Amazon Connection surveying program still in place  
18 during the organizing campaign at BHM1?

19 A Yes.

20 Q Was it being utilized by management during the BHM1  
21 organizing campaign?

22 A Can you -- what do you mean by "being used by management?"

23 Q Yeah. Was HR and management still using the information  
24 that was being gathered as part of this surveying of employee  
25 opinion during the organizing campaign?



1 A Yes.

2 Q And sitting here today, you don't recall whether there  
3 were any changes made during the organizing campaign period --  
4 and by that I mean, December through the end of March, that was  
5 in response to information obtained through the Connections  
6 survey?

7 A Not that I can remember.

8 Q Okay. Now, Exhibit 104 is -- if I understand, it's a  
9 spreadsheet that has all the Connections communications to  
10 employees between 9/11/19 and 5/9/21; is that right?

11 A Yes.

12 Q Do you know who prepares -- who prepared this spreadsheet  
13 or this --

14 A I'm not sure.

15 Q So it was not prepared under your supervision; is that  
16 right?

17 A I did not prepare this spreadsheet.

18 Q Did this come from someone in corporate?

19 A I'm not sure.

20 Q Had you seen the document prior to testifying in this  
21 case?

22 A Yes.

23 Q Okay. Did -- have you used it as part of your daily work  
24 duties at BHM1?

25 A No.

1 Q So other than the connection to this particular hearing,  
2 is it fair to say that this is not a document that you consult?

3 A We get the information in a different way, through an  
4 Amazon based portal.

5 Q Got it. So was this -- to your knowledge, was the  
6 information that's reflected in Exhibit 104, was that drawn  
7 from the portal?

8 A Yes, it does seem to be drawn from the portal.

9 Q But sitting here today, you don't know who -- who  
10 performed that du- -- that function; is that correct?

11 A I do not.

12 Q Now, you were asked a question -- I think it was the  
13 hearing officer, about the first date asked, which was the --  
14 if you look at it, it's 9/11/2019; do you see that?

15 A Yes.

16 Q I guess you can't see you can't see it on the screen --

17 A No, like, it's a little -- yeah.

18 Q Do you -- do you have your document in front of you? If  
19 you can look at Exhibit 104.

20 A Let me get it.

21 Q Yeah, I don't know if there's a way to enlarge it.

22 A Okay. I have my document.

23 Q And the spreadsheet has one, two, three, four, five, six,  
24 seven columns; is that right?

25 A That's correct.

1 Q And the first column is "Location." And it was BHM1; is  
2 that right?

3 A That's correct.

4 Q So if I understand it correctly, this is all the -- all  
5 the BHM1 questions that were asked through the Connections  
6 program; is that right?

7 A Yes.

8 Q And then the -- it has "Content Type" and the content type  
9 is question -- for the most part, I notice that there's also  
10 recommendations. Do you know what the difference is? What --  
11 for example, if you turn to -- it's page 605.

12 A Uh-huh.

13 Q At the very bottom there, under the "Contents" column, it  
14 says "Recommendation."

15 A Yes.

16 Q So is that -- is that just sort of -- I guess, is that  
17 self-explanatory that there's some recommendations that are  
18 sent out to employees through this Connection Program and how  
19 to improve your working conditions?

20 A Yes, some recommendation.

21 Q Now, the -- "The first date asked" here on the -- the  
22 first page of this exhibit is 9/11/2019. And I recall -- was  
23 it your testimony that that was sort of a test question?

24 A It wasn't a test question. So at that date, there were  
25 associates either working -- like, typically, IT, managers

1 assigned to BHM1, and received that question. So it wasn't a  
2 test question. People who were tied to BHM1 got that question.

3 Q Okay. Okay. Now, the other -- the other column here --  
4 the next column after "First date asked" is "Last date asked";  
5 do you see that?

6 A Yes, I do.

7 Q Do you know how often a question is asked between the  
8 first date asked and the last date asked?

9 A I do not, but typically it's a few times.

10 Q Is there any -- anybody that would track the frequency of  
11 use with respect to each question during the specified time  
12 period?

13 A I'm not sure.

14 Q Now, the next column after "Last date asked" is "Index";  
15 do you see that?

16 A Yes, I do.

17 Q What is the index?

18 A The index is kind of different categories that we tie the  
19 questions to. So if it's a safety related question, it gets  
20 tagged to a certain index.

21 Q What if there's no entry next to a question under the  
22 index column; what does that mean?

23 A I'm not sure.

24 Q Ms. Smith, there's -- you testified about an employee  
25 named Timothy Bibbs being disciplined; do you recall that

1 testimony?

2 A Yes, I do.

3 Q Now, was Timothy -- Timothy Bibbs informed that he was  
4 being terminated through use of the -- did he get, like a  
5 message in the A to Z app?

6 A I'm not sure how he was notified, but associates aren't  
7 notified through the A to Z app.

8 Q I'm sorry?

9 A I'm not sure how he was notified, but associates aren't  
10 notified through the A to Z app.

11 Q So they don't -- they don't receive a message -- an email  
12 message through the A to Z app informing them that they've  
13 been -- received some sort of discipline?

14 A Not through the A to Z app. It should go -- if it's not  
15 in person, to the personal email.

16 Q And do employees have -- and their personal emails,  
17 they're not Amazon emails; is that right?

18 A That's correct.

19 Q How about notifications of employees that they're being  
20 laid off; is -- would they get the notification that they are  
21 no longer being employed at Amazon through the A to Z app?

22 MR. BRODERDORF: Objection. Foundation and vagueness of  
23 the term "layoff."

24 MR. ROUCO: Well, I'll rephrase. I mean, I don't think  
25 layoff is a vague term, but --

1 HEARING OFFICER MEYERS: Okay. I'll sustain the  
2 objection. If you could rephrase?

3 MR. ROUCO: Yeah.

4 HEARING OFFICER MEYERS: Although layoff is --

5 MR. ROUCO: I'm sorry?

6 HEARING OFFICER MEYERS: I don't think layoff is -- is  
7 vague --

8 MR. ROUCO: I'll -- I'll rephrase.

9 HEARING OFFICER MEYERS: -- but I think you can clarify.

10 MR. ROUCO: All right.

11 Q BY MR. ROUCO: Ma'am, are you aware of whether employees  
12 have ever received messages through the A to Z app that there  
13 was no longer any work available for (audio interference)?

14 A I'm not aware of that.

15 Q Have you ever seen a message sent to an employee telling  
16 them that they were -- there was no longer work available for  
17 them because of -- because of the union?

18 A No.

19 Q Have you seen -- ever seen a message sent to employees in  
20 the A to Z app that there was no longer work available and  
21 then -- because COVID conditions have changed and therefore  
22 there's not enough business for them out there?

23 A No.

24 Q If an employee -- well, have any employees at BHM1 been  
25 released from employment because of the lack of work in the

1 last six months?

2 A No, not to my knowledge.

3 Q Okay. Now, you were asked by Counsel questions about work  
4 rules. Do you recall those questions?

5 A Yes.

6 Q Do you recall whether in April of this year employees were  
7 sent a reminder about the cell phone policy?

8 A Yes.

9 Q Okay.

10 MR. ROUCO: If we can show Exhibit Number -- Union Exhibit  
11 36, please.

12 HEARING OFFICER MEYERS: Madam Bailiff, do you have it? I  
13 think I have it open. Mis- --

14 Q BY MR. ROUCO: Ms. Smith, what I've marked as --

15 MR. ROUCO: I'm sorry.

16 Q BY MR. ROUCO: Do you see what I've marked as Exhibit  
17 Union 36 on your screen?

18 A Yes, I do.

19 Q And is -- does this look like a reminder that is sent to  
20 employees regarding work rules?

21 A Yes, it does.

22 Q Okay. And this one was a -- a reminder concerning cell  
23 phones; is that right?

24 A Yes.

25 Q And do you remember whether a message of this nature was

1 sent to employees in April of this year?

2 A I believe it was early May, but it could have been --

3 Q Early May?

4 A Yeah.

5 Q And were you receiving complaints from employees that they  
6 were now being disciplined by their managers regarding cell  
7 phone use on the floor?

8 A No.

9 Q Is there an incident that -- that -- well, let me rephrase  
10 this. Did you have conversations with other managers about the  
11 need to remind employees that they're not allowed to use their  
12 cell phones on working time or in working areas?

13 MR. BRODERDORF: I'm going to object on relevance. This  
14 is well past the critical period and -- and so we -- we object  
15 on relevance.

16 HEARING OFFICER MEYERS: Mr. Rouco, can you explain the  
17 relevance?

18 MR. ROUCO: Well, I mean, I guess I could have the witness  
19 present while I --

20 HEARING OFFICER MEYERS: Should we excuse the witness?

21 MR. ROUCO: Yeah, I think we should.

22 HEARING OFFICER MEYERS: Okay. Madam Bailiff, can you  
23 please excuse Ms. Smith to a breakout room?

24 Ms. Smith, we'll bring it back in a second. We're just  
25 going to discuss this objection --



1 THE WITNESS: Okay. Thank you.

2 HEARING OFFICER MEYERS: -- outside your hearing. Thanks.

3 MS. MILLER: I just put her into the -- the waiting room  
4 because that was a little faster.

5 MR. ROUCO: Okay.

6 HEARING OFFICER MEYERS: Okay. Whichever is easier.

7 MR. ROUCO: Yeah, I think the relevance of it is self-  
8 evident. But one of the objections is -- is that there was  
9 a -- rules were loosened; they were making changes to work  
10 rules, like cell phone policy. It's been the testimony of  
11 several employees during the -- the -- during the Union's  
12 presentation or case and the fact that after the campaign  
13 ended, they resorted back to a portion of their rules is  
14 evidence that supports what employees were testifying about,  
15 which is part of one of the objections.

16 HEARING OFFICER MEYERS: I understand -- I understand the  
17 purpose that you want to use this for, but the -- I will  
18 reserve judgment until you have questioned the witness since  
19 right now, I'm not sure it shows a new enforcement of this  
20 rule. But I'm going to let you question the witness about it.  
21 I think it is relevant.

22 MR. ROUCO: Okay. Yeah. That -- that's all right. Yeah.  
23 Okay. Well, thank you.

24 HEARING OFFICER MEYERS: All right. Can we let -- can we  
25 let Ms. Smith back in, please?

1 MR. ROUCO: Sorry about that, Ms. Smith.

2 THE WITNESS: That's okay.

3 MR. ROUCO: May I proceed, Madam Hearing Officer?

4 HEARING OFFICER MEYERS: You may. I'm sorry. Please  
5 proceed.

6 MR. ROUCO: Thank you.

7 Q BY MR. ROUCO: So Ms. Smith, when we were talking about --  
8 I guess it's Union 36.

9 MR. ROUCO: Can you please, Madam Bailiff, have that  
10 document displayed?

11 Q BY MR. ROUCO: Ms. Smith you were testifying that this  
12 was -- you recall this being a reminder being sent to employees  
13 about the cell phone policy; is that right?

14 A Yes.

15 Q And that this -- your recollection is that this may have  
16 happened in early May of this year; is that right?

17 A That's correct.

18 Q And there -- is it correct that the reason for sending  
19 this reminder is that employees had not been following this  
20 policy; is that right?

21 A No.

22 MR. BRODERDORF: Objection. Foundation.

23 Q BY MR. ROUCO: No. Okay. So what --

24 HEARING OFFICER MEYERS: There was -- you -- quit talking  
25 over the objection, Mr. Rouco.

1 MR. ROUCO: I'm sorry, Judge.

2 HEARING OFFICER MEYERS: I think there is a foundation.  
3 I'm going to overrule it, but you need to let me rule. I  
4 understand I'm not quick enough for you, but please be patient.

5 MR. ROUCO: No, you're -- you're plenty quick. I was just  
6 responding to the witness because the witness went ahead and  
7 responded.

8 Q BY MR. ROUCO: Ms. Smith, the -- the -- isn't it correct  
9 that the reminder was sent out to employees because HR observed  
10 that there was noncompliance with this policy?

11 A It was just sent out as a reminder. There was no incident  
12 that occurred where we sent this policy out.

13 Q Is this the first time that you've sent out a reminder on  
14 cell phone policy?

15 A I can't remember, but I do not think so.

16 Q Is there a -- a document that would show what reminders  
17 were sent and the dates that they were sent on?

18 A No.

19 Q And do you know was this reminder also displayed on an  
20 acid screen.

21 A Yes, it was.

22 Q And is it still being displayed on an acid screen today?

23 A Yes.

24 Q And where is that acid screen located?

25 A That screen is located in our -- kind of TV hub, so when

1     you walk in the building, it's on your left-hand side.

2     Q     And there were other messages about reminders regarding  
3     earbuds -- the use of earbuds; do you remember that?

4     A     Yes, I do.

5     Q     And in fact, if you look at Exhibit Number 98 --

6           MR. ROUCO: If we can display that.

7     Q     BY MR. ROUCO: Do you have Exhibit 98 in front of you,  
8     Ms. Smith?

9     A     Yes, I do.

10    Q     And Exhibit Number 8 (sic) on the screen where it has  
11    the -- I guess it looks like a fire breathing dragon. There it  
12    is. On the screen where you see that there's a looks like a  
13    fire breathing dragon; is that right?

14    A     Yes.

15    Q     Am I correct on that screen, there's another reminder that  
16    employees should abide by the earbud policy, right.

17    A     Yes.

18    Q     And was it your understanding that there was a fairly  
19    widespread noncompliance with that policy, which is why the  
20    reminder was sent out?

21    A     It's very common to send out reminders of policies.

22    Q     How long has the reminder that's displayed on Exhibit  
23    Number 98 been displayed that screen, if you know?

24    A     I believe early May.

25    Q     And it -- it was sort of around the same time reminder for



1 cell phone use was put up; is that right?

2 A Yes.

3 Q Now, you testified some about a program called The Offer.  
4 Do you recall that testimony?

5 A Yes.

6 Q Now, the offer used to have a name called Pay to Quit; is  
7 that right?

8 A I don't -- I didn't -- I don't think I worked for Amazon  
9 when it had that name.

10 Q Okay. And have you ever received any training regarding  
11 The Offer?

12 A We received some emails and FAQs.

13 Q And am I correct that the purpose of The Offer is to help  
14 employees who are unhappy working at Amazon to find other  
15 career choices; is that right?

16 MR. BRODERDORF: Objection. Foundation.

17 MR. ROUCO: Well, is it --

18 HEARING OFFICER MEYERS: I'm -- I'm going to overrule that  
19 objection. I think that the -- the -- there's been testimony  
20 about that previously --

21 MR. ROUCO: Yeah.

22 HEARING OFFICER MEYERS: -- by this witness.

23 Q BY MR. ROUCO: Ms. Smith, am I correct that the purpose  
24 behind The Offer is to help employees who are unhappy at Amazon  
25 to move on and find other employment?

1 A The purpose is to help incre- -- to allow our associates  
2 to make a career choice that's best for them.

3 Q Right. Because it's best for Amazon and for the employee  
4 that if the employee isn't happy working there, that they  
5 should find something else to do, right?

6 A I wouldn't agree with that statement.

7 Q So you wouldn't agree with the statement that Amazon is  
8 best -- well, let me rephrase this. Would you agree that the  
9 purpose of the payment is to help employees transition out of  
10 work -- out of working at Amazon?

11 A The purpose is to provide financial support if they decide  
12 to pursue a career outside of Amazon.

13 Q Okay. Do you know why then that one of the conditions is  
14 that they're employees -- if they agree to move on from Amazon,  
15 that they're not eligible to rehire -- for rehire?

16 A Do I know why that's a requirement?

17 Q Yeah, do you know why that's a condition?

18 A Because if they -- so if they take The Offer, it is  
19 financial incentive. So if they take that financial incentive,  
20 they will not be eligible to be rehired with Amazon.

21 Q Right. It's a financial incentive for them to leave,  
22 right?

23 A To pursue something else.

24 Q Oh, okay. Pursue something else with somebody else,  
25 right? Isn't that right, it's not to pursue something else

1 with Amazon, correct?

2 A That is correct.

3 Q Right. And that's -- that's why there's a no rehire  
4 condition because if you accept this financial incentive to  
5 move on, you're not going to come back to work at Amazon or any  
6 of its affiliates, right?

7 A Yes.

8 Q Okay. Now, you put this -- I think your testimony was  
9 that The Offer, there was a handout that was put on table tops  
10 and acid screens explaining The Offer; is that right?

11 A Yes.

12 Q Okay. And by table tops, that means they were set on the  
13 tables of breakrooms; is that right?

14 A Yes, yes.

15 Q Were they set on tables at any location other than the  
16 breakrooms?

17 A Not to my knowledge.

18 Q And how many break employ -- these are employee breakrooms  
19 we're talking about, right?

20 A Yes.

21 Q And how many employee breakrooms are there at the  
22 facility?

23 A Quite a few. Maybe upwards of 12.

24 Q And is it your testimony that each of these 12 breakrooms,  
25 the table top announcing The Offer -- or explaining The Offer

1 was set out?

2 A Yes.

3 Q And was it set out on each table in the breakrooms?

4 A Either each table or every other table.

5 Q Is it fair to say there are about -- you know, anywhere  
6 between four to six tables in each break room?

7 A At least.

8 Q At least. So this -- this mess -- the -- so there --  
9 there are quite a few table tops set out announcing The Offer;  
10 is that right?

11 A Yes.

12 Q And did you instruct somebody to put these table tops out?

13 A Yes, I did.

14 Q Okay. Now, were you aware at the time that The Offer was  
15 made that it be -- that is was announced or provided to  
16 employees at BHM1 that there were very few individuals working  
17 at BHM1 that qualified

18 A Yes.

19 Q In fact, that number was about 63; does that sound right?

20 A Around that number.

21 Q Yeah. And that's because you needed -- in order to  
22 qualify for this program, where Amazon pays you to leave, you  
23 had to have one year of employment; is that right?

24 A Yes.

25 Q Now, I think your testimony was if somewhere between five



1 or ten employees had asked questions about The Offer; is that  
2 right?

3 A Yes.

4 Q And were the questions addressed to you?

5 A No, they were addressed initially to my hourly HR team.

6 Q And did the hourly HR team report to you that there had  
7 been questions?

8 A Yes.

9 Q And did they identify who it was that was questioning some  
10 of the terms of The Offer?

11 A Sometimes they did; sometimes they didn't.

12 Q And you then put that information into a report?

13 A No.

14 Q You communicated that information to the business team; is  
15 that right?

16 A We were all aware of it, but we didn't track it.

17 Q Well, I believe your testimony earlier was that you  
18 communicated the information regarding any inquiries about The  
19 Offer to the business team; do you remember that testimony?

20 A So -- yes, we're all on the -- all of my coworkers, or HR  
21 business partners, we're all on the same team, and we were all  
22 notified.

23 Q So what's the -- what's the business team then? I don't  
24 understand what -- is that a different team?

25 A No, it's just they're -- we are all called HR business

1 partners.

2 Q So when -- when you said the business team, you just meant  
3 you talked about it with other people that work in HR?

4 A Yes.

5 Q Did you report it to anybody in management?

6 A No.

7 Q Did you report to any of your -- the people that you  
8 report to?

9 A No.

10 Q So if I understand your testimony then is, it's just y'all  
11 just talked about it amongst yourselves that some employees  
12 asked about The Offer?

13 A Yes.

14 Q And you didn't do anything further with that information?

15 A No.

16 Q Okay, now you were asked about the Step Plan and its  
17 introduction at BHM1. And am I correct that the Step Plan,  
18 which led to increases in wages at BHM1, was introduced in late  
19 October; is that right?

20 A That's when we were notified.

21 Q You were notified. And then it was implemented -- well,  
22 the first implementation was in in early November; is that  
23 right?

24 A No, I believe the date was October 25th.

25 Q Yeah, but by implementation is when people saw -- when

1 employees started to see increases in their pay. For some  
2 employees that happened the first week of November?

3 A Yes.

4 Q And then subsequent to that, other employees received  
5 their wage increases, right?

6 A Yes, I do believe they received their first wage increase  
7 on that first week of November.

8 Q Didn't -- yeah, did anyone -- well, not everybody got a  
9 wage increase the first week of November; is that right?

10 A I -- I can't -- I couldn't speak to every associate.

11 Q And then there was a -- am I correct that there were wage  
12 increases given to associates in the time period between  
13 November 20th and the end of March?

14 A No, I don't think there were wage increases unless they  
15 met the higher-level of the Step Plan.

16 Q Okay. So would you agree that under the step plan,  
17 employees, during the period of November 20th through March --  
18 to the end of March, that some employees saw a wage increase in  
19 your pay?

20 A If an associate met a higher step on the Step Plan, for  
21 instance, they met their six-month tenure, they would have seen  
22 an increase.

23 Q Okay. And it was in late October or early November that  
24 the Step Plan was first introduced at BHM1; is that right?

25 A We've always had a Step Plan at BHM1, but the change took

1 place October 25th.

2 Q Okay. Now, you testified that you spoke to other HR  
3 people at -- at MCO1 and CLT4 about the Step Plan?

4 A Yes.

5 Q Now, that -- you have no personal knowledge of what  
6 happened at those locations; is that right?

7 A I know that they all received a pay increase.

8 Q Well, you know that because it's -- it's what somebody  
9 told you, right?

10 A Yes.

11 Q Okay. So the -- the extent of your knowledge is just  
12 hearsay, right?

13 A I knew that we all received an email about the wage  
14 increase.

15 Q Okay. Well, you -- you -- you received an email. Do you  
16 know that -- that to the extent that there was a wage increase  
17 in Orlando, the way you obtained that information was through  
18 your conversation with a coworker; is that right?

19 A That's correct.

20 Q Okay. And you don't -- you don't have any other basis  
21 other than that conversation, correct?

22 A That would be all.

23 Q Okay. And the same thing with anything that happened in  
24 Charlotte; whether there was a wage increase there or not, the  
25 basis of your information is a conversation you had with a

1 coworker there; is that right?

2 A Yes.

3 Q You testified about a bonus that was provided; I guess  
4 it's a holiday bonus. Do you recall that?

5 A Yes, I do.

6 Q Now, I didn't quite understand how -- how people qualified  
7 for that bonus. Was it the practice in the past that you  
8 didn't get a holiday bonus if you had excessive -- or your UPT  
9 balance was too low?

10 A No, in the past if you used unpaid time, you didn't  
11 receive the bonus.

12 Q So if you received any -- if you used any UPT, you didn't  
13 receive a bonus; is that right?

14 A That is correct.

15 Q That condition was waived for this holiday bonus that was  
16 given to employees; is that right?

17 A Yes.

18 Q Okay. And that holiday bonus was given at the November  
19 20th, 2020; is that right?

20 A Yes.

21 Q All right. I have nothing further.

22 MR. ROUCO: I -- well, if he -- let me -- let me take a  
23 second, talk to George, and then -- but I -- but I believe  
24 we're -- we probably won't have any further questions.

25 HEARING OFFICER MEYERS: All right. You want to take five

1 minutes off the record, or do you need a little more time?

2 MR. ROUCO: Five minutes will be fine.

3 HEARING OFFICER MEYERS: All right. So let's go until --  
4 let's -- well, let's take a little bit longer so that we're  
5 even -- 11:30 my time, 10:30 y'all's time.

6 MR. ROUCO: That works.

7 HEARING OFFICER MEYERS: All right. And again, Ms. Smith,  
8 you don't have to keep your microphone and stuff on but stay on  
9 the line, and we'll resume in -- at 11 -- at 10:30 Central  
10 Time.

11 Off the record.

12 THE WITNESS: Okay, thank you.

13 (Off the record at 10:23 a.m.)

14 **RESUMED CROSS-EXAMINATION**

15 Q BY MR. ROUCO: Ms. Smith, when -- I -- I showed you  
16 Exhibit 104, which is a listing of all the questions and  
17 recommendations that were presented to employees through the  
18 Connections program, and it's my understanding that you didn't  
19 have any involvement in drafting those questions; is it right?

20 A No, I did not.

21 Q Was it somebody in the ER department -- or ER department,  
22 I guess, that -- that was involved in drafting those questions?

23 A Not to my knowledge.

24 Q And those questions with respect to the Connections,  
25 they're coming from people in the corporate office; is that

1 right?

2 A Yes.

3 Q Is it corporate HR that does this surveying?

4 A I'm not really sure; it's just the corporate Connections  
5 team.

6 Q Okay. Do -- do you know where the corporate  
7 Connections -- well, let me ask you, who heads the corporate  
8 Connections team, if you know?

9 A I don't know.

10 Q Are they based out of Seattle?

11 A I'm not 100 percent sure.

12 Q And the reason I ask is that one of the -- one of the  
13 recommendations that's made is to employees to get out and turn  
14 their mail ballot in. Remember that?

15 A Yes, I believe so.

16 Q So that -- if I understand you correctly then, that  
17 recommendation would have come from somebody in the corporate  
18 Connections team; is that right?

19 A I'm not sure where the question came from.

20 Q Okay. Does anyone in the corporate Connections team to  
21 reach out to you to see if there are questions that you would  
22 like asked at BHM1?

23 A No, they don't.

24 Q Did they reach out to anyone in management, to your  
25 knowledge?

1 A Not to my knowledge.

2 Q But --

3 MR. ROUCO: All right. Nothing further.

4 MR. BRODERDORF: Madam Hearing Officer?

5 HEARING OFFICER MEYERS: And is there any redirect?

6 MR. BRODERDORF: Yes, Madam Hearing Officer, I'll be doing  
7 some redirect, and we're actually prepared to -- to jump right  
8 into that now if --

9 HEARING OFFICER MEYERS: Excellent.

10 MR. BRODERDORF: -- that works.

11 HEARING OFFICER MEYERS: Excellent.

12 MR. BRODERDORF: Okay.

13 HEARING OFFICER MEYERS: Proceed.

14 MR. BRODERDORF: Thank you. Thank you.

15 And -- and we will plan to introduce one additional  
16 exhibit during redirect; it should be uploaded to SharePoint as  
17 Employer Exhibit 121.

18 HEARING OFFICER MEYERS: Excellent.

19 MR. BRODERDORF: Okay.

20 **REDIRECT EXAMINATION**

21 Q BY MR. BRODERDORF: Ms. Smith, I have a few questions for  
22 you about your testimony today and yesterday. So when you were  
23 based at MCO1 or CLT4, were you involved in the distribution of  
24 offer-related communications to associates?

25 A Yes, I was.



1 Q And were any handouts or table toppers prepared at those  
2 facilities for distribution?

3 A They weren't prepared at the facility, but they were sent  
4 to us from the centralized communications team.

5 Q And how -- and at -- at -- at MCO1, for example, how were  
6 they distributed?

7 A They were put on table toppers, acid feeds (phonetic  
8 throughout), and installments.

9 Q And how about at CLT4?

10 A Table toppers, acid feeds, and installments.

11 Q Do you recall if the BHM1 distribution offered  
12 communications via table toppers or otherwise was any  
13 different?

14 A No, it wasn't.

15 Q And since you've been at the BHM1 has -- has HR been  
16 involved in the distribution of any other handouts or table  
17 toppers in break rooms?

18 A Yes.

19 Q Do you have any examples you could share?

20 A So we do one every single week based around what's going  
21 on in the building, safety updates, anything an associate needs  
22 to know about.

23 Q Shifting to the holiday bonus, you answered some questions  
24 about the UPT requirement being -- being waived this year. Do  
25 you recall that testimony?

1 A Yes.

2 Q Do you know why the UPT requirement was waived?

3 A Yes, because we didn't want to encourage associates to  
4 come to work if they were sick.

5 Q And did the Union campaign have anything to do with the  
6 waiver?

7 A No.

8 Q And was the holiday bonus unique to BHM1 or did it have  
9 application at other Amazon locations?

10 A No, it was other sites.

11 Q How many other sites, to your knowledge?

12 A To my knowledge, all sites -- all fulfillment centers.

13 MR. BRODERDORF: And if we could pull up Employer Exhibit  
14 121, please.

15 HEARING OFFICER MEYERS: Madam Bailiff, could you pull up  
16 121, please?

17 Q BY MR. BRODERDORF: Ms. Smith, this is a one-page  
18 document, so please take a moment to review it and let us know  
19 when you're done.

20 A Okay, I'm done.

21 Q And in left -- top left side, there's the word  
22 "Installments" there with a date range. So do you know if this  
23 was an installment issued at BHM1?

24 A Yes, it was.

25 Q And do the dates reflect when it would have been posted?

1 A Yes.

2 Q If you look at the bottom right of this installment, is  
3 there a reference to those cell phone policies that you had  
4 mentioned before?

5 A Yes, there is.

6 Q Is this the same policy that had been in existence at the  
7 site since launch?

8 A Yes.

9 Q And is this the same policy that you -- that refers to the  
10 early May reminder that you -- that you testified about?

11 A Yes.

12 MR. BRODERDORF: I move for the admission of Employer  
13 Exhibit 121.

14 HEARING OFFICER MEYERS: Any objection?

15 MR. ROUCO: No objection.

16 HEARING OFFICER MEYERS: Employer's 121 is admitted.

17 **(Employer Exhibit Number 121 Received into Evidence)**

18 MR. BRODERDORF: Thank you.

19 If I -- if I may have 30 seconds to confer with counsel?

20 HEARING OFFICER MEYERS: You can.

21 Let's go off the record.

22 (Off the record at 10:39 a.m.)

23 HEARING OFFICER MEYERS: Any further questions?

24 MR. BRODERDORF: No, Madam Hearing Officer.

25 HEARING OFFICER MEYERS: All right. Thank you.



1           Thank you, Ms. Smith, for joining us. I'm sorry you had  
2           to come back today. We do appreciate you coming. Just as a  
3           reminder, the rule of sequestration is in effect, so please  
4           don't discuss your testimony with anyone.

5           THE WITNESS: Okay.

6           HEARING OFFICER MEYERS: Thanks for coming. We appreciate  
7           it.

8           THE WITNESS: Thank you.

9           HEARING OFFICER MEYERS: Thank you.

10          Is the Employer prepared to call its next witness?

11          MR. BRODERDORF: Your Honor, we would propose a five-  
12          minute break to -- to get him -- to get him uploaded or on --

13          HEARING OFFICER MEYERS: Okay.

14          MR. BRODERDORF: -- on -- on the Zoom.

15          HEARING OFFICER MEYERS: We're going to upload the  
16          witness.

17          MR. BRODERDORF: We are.

18          HEARING OFFICER MEYERS: Okay.

19          MR. ROUCO: I think he's our next witness.

20          MR. BRODERDORF: Yes.

21          HEARING OFFICER MEYERS: Let's go off the record until  
22          11:45, 10:45 y'all's time.

23          MR. BRODERDORF: Thank you.

24          HEARING OFFICER MEYERS: We will resume at 10:45.

25          MR. JOHNSON: Great. Thanks, Madam Hearing Officer.



1 (Off the record at 10:40 a.m.)

2 HEARING OFFICER MEYERS: Mr. Johnson, would you like to  
3 call your next witness?

4 MR. JOHNSON: Yes. Thanks, Madam Hearing Officer. The  
5 Employer calls David Odom.

6 HEARING OFFICER MEYERS: Mr. Odom, can you raise your  
7 right hand, please?

8 Whereupon,

9 **DAVID ODOM**

10 having been duly sworn, was called as a witness herein and was  
11 examined and testified, telephonically as follows:

12 HEARING OFFICER MEYERS: Thank you.

13 Mr. Johnson, your witness.

14 **DIRECT EXAMINATION**

15 Q BY MR. JOHNSON: Mr. Odom, can you please state and spell  
16 your name for the record?

17 A Yes, it's David Odom, D-A-V-I-D O-D-O-M.

18 Q Is Amazon your current employer?

19 A Yes.

20 Q When did you first begin working at Amazon?

21 A January of 2017.

22 Q And where is your work location at Amazon?

23 A I work from my home office in the Nashville, Tennessee  
24 area.

25 Q And is that where you are now?



1 A Yes.

2 Q Okay. And just to make sure, you don't have any documents  
3 or notes with you, correct?

4 A No, I do not.

5 Q What's your current job title at Amazon?

6 A I'm a principal compensation consultant for worldwide  
7 operations.

8 Q Okay. And what are your current responsibilities in that  
9 position?

10 A My current responsibilities are a focus on variable  
11 compensation.

12 Q And did you have a -- did you -- in the same position, did  
13 you have past responsibilities that were different than that?

14 A Yes, from the time I was hired in January of 2017 through  
15 April of 2021, my focus was on base pay.

16 Q Okay. Would that include the step plan?

17 A Yes.

18 Q Have you always worked on the compensation team since your  
19 start date in 2017?

20 A Yes.

21 Q And you testified that your responsibility includes the  
22 step plan. Are you familiar with the step plan compensation  
23 model generally?

24 A Yes.

25 Q And generally speaking, what is a step plan compensation



1 model?

2 A A -- a step plan compensation model is one where  
3 associates are hired in at a constant start rate; this is  
4 irrevel- -- irrelevant of their prior experience. All  
5 associates are hired in at the exact same rate, and then over  
6 time they receive scheduled pay increases at six-month  
7 intervals based strictly on time employed at Amazon -- or  
8 tenure.

9 Q Okay. And why does Amazon use a step plan compensation  
10 model for its own associates?

11 A We use a step plan model just based on the -- the fact  
12 that we don't performance manage these associates. It's not  
13 feasible for the manager to provide a performance review for  
14 the -- the number of associates that they oversee, and so this  
15 provides a consistent and fair compensation practice for all  
16 associates.

17 Q Okay. When you talk about performance review are you  
18 talking about an individualized performance review?

19 A Yes.

20 Q When did Amazon first begin using a step plan model?

21 A The step plan model was in place when I started in January  
22 2017, so it predates me.

23 Q Okay. Are you familiar with the job classification then  
24 as a Tier 1 associate?

25 A Yes.

1 Q Are you familiar with the job classification known as a  
2 Tier 3 associate?

3 A Yes.

4 Q Are you familiar with the job classification known as a  
5 transportation associate?

6 A Yes.

7 Q And how, sir, is it that you're familiar with those  
8 classifications?

9 A These were the primary associates that I supported, and,  
10 you know, from my time when I was reviewing base pay, and they  
11 are the associates that are covered by the step plan policy.

12 Q Okay. So is this part of your responsibility for 2017  
13 through April of this year? Do I have it right?

14 A Yes.

15 Q Okay. And do those classifications exist at a Amazon  
16 fulfillment center?

17 A Yes.

18 Q Would they exist at the BHM1 fulfillment center?

19 A Yes.

20 Q As part of your past responsibilities, did you oversee  
21 Amazon's step plan that covered Tier 1, Tier 3, and  
22 transportation associates?

23 A Yes.

24 Q Okay, and how long duration did you ever see the step  
25 plan?



1 A From the time I was hired in January of 2017 through April  
2 of this year.

3 Q Were you responsible for updating the step plan from year  
4 to year during that time?

5 A Yes.

6 Q And did the step plan apply to all the Tier 1 and Tier 3  
7 hourly associates at all North American customer fulfillment  
8 sites?

9 A Yes.

10 Q Okay. How about transportation associates? Does the plan  
11 policy apply to all transportation associates at North American  
12 customer fulfillment sites?

13 A Yes.

14 Q Okay. So would that include a robotic fulfillment center  
15 like BHM1?

16 A Yes.

17 Q Under Amazon's step plan, once an associate has reached a  
18 certain length of employment that would result in a rate  
19 increase, how does Amazon process that change?

20 A The pay services team runs an audit on a daily basis to  
21 identify any associate that has hit that longevity -- that  
22 tenure step -- hit that six-month step, and they process pay  
23 adjustments for those associates as an outcome of that daily  
24 audit.

25 Q And between 2017 and April of this year, have you ever

1     been involved in any review and adjustment of the hourly rates  
2     established under the step plan?

3     A     Yes.

4     Q     How often are the hourly rates for the step plan reviewed?

5     A     They're reviewed at least annually.

6     Q     And were the hourly rates and the step plan reviewed  
7     anytime in 2020?

8     A     Yes.

9     Q     And when was that?

10    A     The process began in April and continued through their  
11    effective date in October.

12    Q     Okay. And was that 2020 process different in timing in  
13    any way than the processes you were involved in in 2017, 2018,  
14    and 2019?

15    A     No.

16    Q     Did that April through October cycle mostly consistent  
17    with -- in those past years?

18    A     Yes.

19    Q     Okay. Now, looking at April to October cycle, can you  
20    break it down for the hearing officer's benefit into any sort  
21    of general phases as they progress?

22    A     Yes. So April -- sometime in April we'll begin the  
23    process, typically concluding at the conclusion of our annual  
24    Q1 process for salaried associates; it usually ends around that  
25    time. April and May is when we go out and collect current

1 market data. We also collect internal metrics like a site's  
2 ability to fill new hires, attrition rates, and other work for  
3 staffing metrics. April and May is -- is -- is that general  
4 time frame.

5 May and June is usually when we kind of compile that and  
6 produce a structure for our initial recommendations. It's also  
7 generally around that time where we find out what our budget  
8 spend allowable is; of course, that influences what the default  
9 recommendations that the compensation team would put forth.

10 The June and July time frame is usually where we finalize  
11 those recommendations, and we start to kind of socialize them  
12 with senior HR leaders, giving them an opportunity to see what  
13 the default recommendations are ahead of the review and  
14 approval process that typically happens in August/September  
15 time frame. Once the reviews over the course of several  
16 meetings occurs and are finalized, then the last six to eight  
17 weeks typically are basically coordinating the actual  
18 implementation of the rates that were approved, culminating in  
19 the October 25th effective date for this year -- or for 2020.

20 Q Okay, and let me take you back. You mentioned approval.  
21 Is there an approval -- is there a time frame relating to  
22 approval within this process you just described?

23 A Yes, the primary approval was received in a meeting on  
24 August 11th. In general, those -- all of the sites that were  
25 part of the review were -- were looked at. A select few sites

1     were identified that -- as to need additional scrutiny to  
2     decide, you know, if the rates were appropriate and/or if the  
3     effective date for those increases should be different for  
4     those particular sites; and those are known as the constrained  
5     markets.

6     Q     Okay. And so -- and by what point in time is the approval  
7     process over?

8     A     For the most part, the final final approval for including  
9     those constrained markets was September 7th. There was -- I --  
10    I'm sorry, September 2nd. There were still a few constrained  
11    markets that they wanted to -- to -- to dig into, but again,  
12    the vast majority were approved August 11th, a select few were  
13    approved on September 2nd.

14    Q     Okay. Now, so how is it that you know about this approval  
15    process? Do you have any role in it?

16    A     Yes. While I didn't necessarily actually attend the  
17    meetings, I was heavily involved in the generation of  
18    preparation of all the documentation and dashboard material,  
19    all the -- all the materials that were brought forth to those  
20    meetings -- my direct manager attended those meetings. And  
21    then of course at the conclusion of those meetings, any and all  
22    changes and decisions that were made, you know, were shared, of  
23    course, with us because we were critical in the -- the rollout  
24    and implementation of those new changes.

25    Q     So did the meetings that occurred in August and September

1 inclusively -- and I'm -- I'm talking about in August and  
2 September -- between them -- finalized the 2020 rate structure  
3 changes for all North American customer fulfillment sites?

4 A In August and September, yes.

5 Q Okay, and would that include the hourly rates at BHM1?

6 A Yes.

7 Q And when did those become effective?

8 A October 25th.

9 Q Okay. Now, was BHM1 included in part of a group of  
10 fulfillment centers that were -- where their rates were  
11 approved during August and September?

12 A Yes.

13 Q How large was that group?

14 A That -- the number of sites that were actually reviewed  
15 during the review process itself exceeded 1,500 locations.  
16 With the exception of the constrained markets, the other 1,400-  
17 plus, you know, were -- were approved in those meetings.

18 Q Okay.

19 MR. JOHNSON: Can you put up Exhibit 1-1-6 -- 116, Madam  
20 Hearing Officer?

21 HEARING OFFICER MEYERS: Madam Bailiff, 1-1-6. Do you  
22 have it open? I do if you don't.

23 MR. JOHNSON: Thank you. And can you scroll up a little  
24 bit? Okay, thanks. And then if you scroll down to let the  
25 witness review it.

1 And tell me when you're ready to talk about it, Mr. Odom.

2 MR. ROUCO: May I -- may I ask a question about this  
3 exhibit? Has it been -- has it been loaded onto SharePoint?

4 MR. JOHNSON: Yes.

5 HEARING OFFICER MEYERS: Yes, it was loaded.

6 MR. ROUCO: Okay.

7 THE WITNESS: I'm -- I'm ready. I -- I recognize this  
8 document.

9 MR. JOHNSON: Okay. It's -- it's basically a three-pager,  
10 I can represent.

11 Okay. So and there's a third page.

12 So if we scroll up.

13 Thank you.

14 Q BY MR. JOHNSON: All right. Do you recognize this email,  
15 Mr. Odom?

16 A Yes.

17 Q Is that you on the CC line all the way over on the first  
18 line of the CC, right margin?

19 A Yes.

20 Q Okay. There's a lot going on in this email, so before I  
21 start asking about various parts of it, what was the general  
22 purpose of this email?

23 A In -- in general, as part of our communications process in  
24 a cascading fashion, we generally notify the human resources  
25 team first. This email was sent by Heidi (phonetic), who was

1 the head of compensation as part of this process, and she sent  
2 it directly to the senior HR leaders, who are over the  
3 different business lines affected by the wage review, as an  
4 action item to send the attached email to their site HR team  
5 notifying them explicitly of the rate changes that were going  
6 into effect early for the constrained markets.

7 Q Okay. Now, did this email go to all the HR at Amazon at  
8 local sites?

9 A The email that you see on the screen only went to senior  
10 HR leaders; it was the -- the attachment or page 3 -- I believe  
11 it's page 3. That was the one that was intended to go directly  
12 to site HR.

13 Q Okay. So am I correct that this email didn't go to local  
14 HR at the local Amazon sites?

15 A Correct.

16 Q Okay. So the first line of the text of the email after  
17 you get past "HR Lea -- David -- Dave Clark meeting on September  
18 2nd; do you see that?

19 A Yes.

20 Q Okay. What was that meeting about?

21 A That was one of the approval meetings I mentioned earlier,  
22 this one relating to the review of the constrained markets. As  
23 a result of -- of that meeting, the decision was made for the  
24 sites and compensation nodes listed to have the rates that were  
25 finally approved, the changes to actually go into effect early

1 on September 13th.

2 Q And when you're talking about the sites and the nodes  
3 listed, are you talking about what the -- the -- basically  
4 codes that follow these bullet points immediately under this  
5 sentence?

6 A Yes. Each -- each bullet point is a collection of sites.  
7 And those collection -- individual collections of sites are  
8 considered a node.

9 Q Okay. So BHM1, is it in there or not?

10 A No.

11 Q Okay. Does the email -- you referred to an approval  
12 meeting in August, does this email reflect or refer to that?

13 A Yes.

14 Q And where is that?

15 A It's -- it's towards the bottom. If you scroll down,  
16 there -- there's a paragraph that begins with "Engagement is  
17 also underway with Pay Services", and it -- it refers to the  
18 remaining ATB, or the remaining across the board, which, again,  
19 was reviewed and approved in the meeting dated August 11th.

20 Q Okay. So can you see that on the screen now, that  
21 paragraph?

22 A Yes.

23 Q Okay. So as I understand it, this August 11th approval  
24 meeting mentioned in the second line of the paragraph that  
25 begins, "Engagement is also underway", what meeting is that?



1     A     Again, that was the first meeting where we reviewed the  
2     default recommendation of -- of compensation rate changes for  
3     the across-the-board.

4     Q     All right. And is there any part of this email that  
5     refers to any group of fulfillment centers in which the BHM1  
6     fulfillment center would be included?

7     A     Yes. By default, since they're not considered a part of  
8     the constrained markets that are explicitly listed at the top  
9     of the email, they would be included in the collection of sites  
10    that were part of the across-the-board increase. So that first  
11    sentence, when it says, "related to the remaining ATB", that  
12    explicitly is that the remaining group of sites not considered  
13    constrained markets that were reviewed as part of the across-  
14    the-board.

15    Q     Okay. And how many sites are in that group, the remaining  
16    ATB group?

17    A     Just slightly over 1,400 sites.

18    Q     And so is A -- does ATB mean across the board in this  
19    email?

20    A     Yes.

21    Q     Was that a commonly used term by you and your peers?

22    A     Yes.

23    Q     Why did you use that term, across the board, in relation  
24    to this wage review and adjustment process?

25    A     Across the board is a phrase that we use every year to

1 explicitly indicate the -- the review that includes all of  
2 North American Customer Fulfillment. Throughout the year,  
3 there are opportunities for one-off reviews, which is why I  
4 mentioned earlier that they're reviewed at least annually. And  
5 so to explicitly refer to that singular event of a complete and  
6 holistic review of all North American Customer Fulfillment  
7 sites, it's considered across the board.

8 Q Okay. And is there anything in this email that points out  
9 when any wage adjustments for these remaining ATB sites would  
10 be?

11 A Yes. It's actually the final sentence of that same  
12 paragraph. It states, "These components will have effective  
13 dates of October 25th" and it continues to say "and November  
14 15th" respectfully (sic). But the October 25th would be that  
15 section of the above paragraph related to the effective date.

16 Q Okay. Well, what does the November 15th -- the -- the  
17 phrase is actually "November 15th respectively", correct?

18 A Yes. The November 15th date refers to the final part of  
19 the previous sentence, starting with "As well as step plan  
20 progression for Class Q and X". That was -- at the time this  
21 email was generated, the intended effective incre -- date of  
22 implementation of that step plan.

23 Q Okay. But in October -- so just so the record is clear  
24 for the hearing officer, Oct -- the October the 25th effective  
25 date applied to what?

1 A The remaining across-the-board increases.

2 Q So as of when this email was sent, September 10, 2020, was  
3 the October 25, 2020, effective date already planned?

4 A Yes.

5 Q Now, were there -- at -- at -- at the time this email was  
6 sent, were there any nodes or sites that were still outstanding  
7 for decision as of September 10th?

8 A Yes. In --

9 Q Can you --

10 A In the email, on the screen there, it does mention in that  
11 paragraph just below the section in red, starting with, "There  
12 are five additional compensation nodes". Those were reviewed  
13 as part of the September 2nd meeting, but no decision was made  
14 at that time for those nodes.

15 Q And when you say no decision was made at that time, do you  
16 mean by September 10?

17 A Correct. There were still ongoing discussions about those  
18 explicit nodes.

19 Q Okay. And let me take you back. What is a compensation  
20 node? So the record is clear.

21 A A -- a compensation node is just a collection of  
22 individual sites, to group them together to ensure they're paid  
23 using the exact same pay rate step plan.

24 Q So in this, EWR would be one compensation node, and TED  
25 would be another one, and CVG would be a third, and VOS would

1 be a fourth, and OAK would be a fifth; am I right?

2 A Yes. It's -- it shorthand for those five different nodes,  
3 yes.

4 Q Okay. And is BHM1 included in that group?

5 A No.

6 Q All right. So -- or what happened with these five  
7 additional compensation nodes in terms of the decision making?  
8 When -- when was that completed?

9 A I -- I don't recall the exact date of the meeting for  
10 those, however, you know, again they were -- they were reviewed  
11 and determined to have their -- their final rates go into  
12 effect on October 25th as well, because they effectively missed  
13 the cutoff for the September 13th increase.

14 Q Okay. By the end of September, had that determination  
15 been made that they would be included in October 25th?

16 A Yes.

17 Q So other than those five nodes, at the time of the  
18 September 10th email, had the decisions about the 2020 step  
19 plan rates for all of the sites been completely finalized?

20 A Yes.

21 Q And did -- if you look at the first line again, it -- it  
22 says that, it contains this phrase "constrained markets". For  
23 the benefit of the hearing officer and the record, what's a  
24 constrained market?

25 A Amazon defines a constrained market as one that has,

1 through the normal course of business, failed to achieve  
2 certain criteria as it relates to workforce staffing,  
3 recruiting, and new-hire metrics.

4 Q Okay. Is it fair to say that constrained markets get  
5 advanced in the review and adjustments process?

6 A Yes.

7 Q Okay. And so when do they have their step-plan increases  
8 become effective under -- according to this email?

9 A September 13th.

10 Q Okay. And does the attachment of this email relate to  
11 them?

12 A Yes.

13 MR. JOHNSON: Okay. Can we scroll down to the -- the  
14 last page?

15 Q BY MR. JOHNSON: Well, let me just ask you a question.  
16 This last page, was this the attachment to the first two pages?  
17 The -- the first two pages were the email, and this last page  
18 was the attachment, do I have that right?

19 A Correct.

20 Q Is that correct? Sorry, you cut out for a second. Sorry,  
21 we can't hear you.

22 A Yes, that is correct.

23 Q Okay. Great. All right. And so then what was the  
24 purpose of the attachment?

25 A The attachment was drafted as a convenience to senior HR

1 leaders to allow them to simply open the attachment, address on  
2 the two lines to their distribution list to quickly send this  
3 communication to local site HR ahead of the other  
4 communications as part of this process.

5 Q And would this attachment go to BHM1 local leadership?

6 A Yes.

7 Q Okay. So this attachment would actually go to BHM1 even  
8 though it wasn't one of the 80 sites or 70-some sites?

9 A That is correct. We notify all HR of all activities,  
10 including when they're not directly resulting in an increase  
11 because they have to be prepared for associates to ask  
12 questions like why did we not get an increase.

13 Q Okay. And so then was there a similar attachment sent  
14 later for the October 25th effective date sites?

15 A Yes.

16 Q Okay.

17 MR. JOHNSON: Can I move 116 into evidence?

18 HEARING OFFICER MEYERS: Any objection to 116?

19 MR. DAVIES: No objection.

20 HEARING OFFICER MEYERS: 116 is admitted.

21 **(Employer Exhibit Number 116 Received into Evidence)**

22 MR. JOHNSON: Okay. Can you put up 117, please, Madam  
23 Hearing Officer?

24 Q BY MR. JOHNSON: Okay. Do you recognize this email?

25 A Yes.

1 Q Are you on the cc line of this email?

2 A Yes.

3 Q Did you get it?

4 A Yes.

5 Q Well, let me ask you, did you get 116, too? Just so the  
6 record is clear.

7 A Yes.

8 Q Okay. And so before we get into the details, what was the  
9 general purpose of this email?

10 A The purpose of this email, similar to the previous one we  
11 discussed, is a call to action by the head of compensation to  
12 the head of the HR teams representing the various business  
13 lines in North American operations and ACF explicitly to share  
14 the email that's attached to this one with their local site HR  
15 as the first step of our cascading notification process for the  
16 across-the-board rate changes.

17 Q Okay. And if you remember Exhibit 116, that remaining ATB  
18 groups, do you remember that in the last exhibit we discussed?

19 A Yes.

20 Q Would this apply to their wage adjustments or not?

21 A Yes.

22 Q Okay. So this would be the email that would be the  
23 cascade, as you described it, for the wage adjustments relating  
24 to all the remaining ATB sites?

25 A Yes, that's correct.

1 Q And is there any reflection here of the earlier approval  
2 process in this email?

3 A Yes. The -- the very first line references the August  
4 11th approval meeting.

5 Q All right. And is there any reflection in here of the  
6 October 25th effective date?

7 A Yes. The very last sentence of the first paragraph refers  
8 to that.

9 Q Okay. And basically, at the time of this October 19,  
10 2020, email, when were the new step-plan pay rates for the  
11 affected remaining ATB sites planned to go into effect?

12 A These rates were planned to go into effect on October  
13 25th.

14 Q Okay. And was that the same planned effective date that  
15 was in the September 10 email that's Exhibit 116?

16 A Yes.

17 Q So nothing had changed in the interval --

18 A No.

19 Q -- is that right, to your knowledge?

20 A You are correct.

21 Q I'm sorry. I didn't mean to cut you off. What was your  
22 answer?

23 A You are correct, nothing has changed.

24 Q Okay. Now, this -- was this a system-wide email that got  
25 sent out?



1 MR. JOHNSON: I'm sorry, actually, let's scroll down to  
2 the attachment, and I can ask you a few questions about that.

3 Q BY MR. JOHNSON: So here's the attachment. What was the  
4 intended purpose of this attachment?

5 A This attachment was intended to be received by the local  
6 site HR team, directing them to go and retrieve the slides that  
7 indicate the current and -- and new rates for -- for their  
8 benefit. So they understand what -- what rate changes, if any,  
9 applied to -- to their local site. And again, it's just a -- a  
10 heads up of what the upcoming communication schedule looks like  
11 to allow them to be prepared for questions that will inevitably  
12 arise when we have a rate change.

13 Q Okay. And so this talks about -- the very last line of  
14 this in red -- talks about "site HR should retrieve the October  
15 25th charts from the SharePoint" and then there's a paren --  
16 parenthesis in which it says "link" prior to the  
17 communications. So were there wage charts in the SharePoint  
18 that would apply to the individual sites?

19 A Yes.

20 Q And those charts had -- those wages there had been  
21 determined back in the August through September approval  
22 process?

23 A That is correct.

24 Q And would this timeline that you see here before -- before  
25 you, was that a system-wide timeline for all the remaining ATB

1 sites that they were supposed to roll out this information as  
2 according to the timeline?

3 A Yes.

4 Q Okay. And do you know that this -- the -- this email got  
5 sent out system wide?

6 A I'm -- I was not on the distribution of this or these  
7 messages. However, if any of these had not been received, I  
8 would have -- I would have known about it just simply by the  
9 number of people reaching out to me directly asking what the  
10 rates are, what the rate changes would be. So since I did not  
11 get bombarded with requests, I could, I -- I believe, safely  
12 assume that, yes, that these all went out as intended.

13 Q Okay. Well, why do you say that you would assume? Do you  
14 have some particular role in case there was a, you know,  
15 system-wide mess up in terms of sending out the notification to  
16 site HR teams?

17 A Yes. My name is -- was prominently attached to almost all  
18 rate files, and I was -- was known as the person to reach out  
19 to explicitly in compensation for step-plan rates.

20 Q So you would have been the point of contact?

21 A Absolutely, yes. Yes.

22 Q Okay. And so was this a nationwide deployment?

23 A Yes.

24 Q Now, let me ask you, before 2020, when you had rate  
25 changes, how were they historically announced to the hourly

1 employees nationwide at Amazon sites?

2 A The -- the typical communications process followed a very  
3 similar cascading; HR first, managers, and then associates.  
4 However, under normal circumstances, we would have this  
5 communication attached to the -- either the Q3 or the Q4 all  
6 hands stand-up meeting, where all of the associates on the site  
7 are called into a -- a large meeting space. And it's a normal  
8 business review meeting where they project, you know, a number  
9 of slides with basic quarterly business information. And  
10 somewhere in that deck, toward the middle end, would be, you  
11 know, two or three slides that show the pay rates, the current  
12 and the new pay rates associated with that rate change.

13 Q Now, did that happen in 2020?

14 A No. Due to COVID restrictions, we were not able to have  
15 large groups -- gatherings. So instead of having the all hands  
16 stand-up, what we did was we sent out targeted messages  
17 directly to associates through the A to Z communications tool.

18 Q Okay. And besides A to Z, was -- did local HR do anything  
19 to point out to associates the step-plan adjustments?

20 A Yes. Typically, they would take those slide charts that  
21 would historically be presented during the all hands, and they  
22 were to print them out hard copies, and post them somewhere in  
23 the building.

24 Q Let me ask you a few questions about the BHM1 charts in  
25 particular.

1 MR. JOHNSON: Can we pull up 109, Exhibit 109, Madam  
2 Hearing Officer? It's a two-pager with a -- that one.

3 Q BY MR. JOHNSON: So can you identify this document?

4 A Yes.

5 Q And what is it?

6 A This is the Tier 1 and Tier 3 slide deck that was  
7 generated by me indicating the before and after rates, listed  
8 as current and new, for the full-time Tier 1 and Tier 3  
9 associates for BHM1.

10 Q And were these rates approved in the September to August  
11 2020 time frame or were they approved in some other time frame?

12 A Yes, that was the time frame they were approved.

13 Q Okay. And did these same new rates go into effect for  
14 Tier 1 and Tier 3 step-plan associates at locations other than  
15 BHM1? And by new rates, I mean the ones in the dark green.

16 A Yes.

17 Q Okay. Do you know what the next closest Amazon sites are  
18 to BHM1 geographically?

19 A Yes. At the time that these rates went into effect, there  
20 were two delivery stations nearby, DHM1 and -- I'm sorry, DBM1  
21 and HBM1.

22 Q And where are they, generally?

23 A They're in Birmingham.

24 Q Okay. What -- and what step-plan adjustments, if any, did  
25 those sites get?

1 A They -- they received adjustments to the same new rates as  
2 shown on the screen.

3 Q Okay. And did they get the -- is it your testimony that  
4 they got the exact same new rates in dark green as is  
5 represented on Employer Exhibit 109?

6 A Yes.

7 Q Okay. Well, why would that be?

8 A Generally, the sites that have close proximity to each  
9 other will very likely have similar market data, and -- and  
10 likely also have similar struggles with related to hiring,  
11 retention, et cetera. So in general, the data elements that go  
12 into the compensation recommendation model are generally very  
13 similar to sites that have close proximity to each other.

14 Q Okay. Now, was BHM1 and these two delivery sites the only  
15 sites that got the exact same new rates, and by that, I mean  
16 the ones in dark green, after this wage adjustment, as BHM1?

17 A No.

18 Q Okay. Well, how many other sites were there that got  
19 these exact same new rates?

20 A There were 63 sites in total, including these three that  
21 we mentioned. There's 63 sites in total as part of NACF that  
22 received the exact new rates listed.

23 Q Were there -- were they all in Alabama?

24 A No. Only the three we mentioned were in Alabama.

25 Q Can you give some examples, based on your personal

1 knowledge, of where some of the other sites were?

2 A Yes. New York, Texas, Florida, Georgia, Oklahoma. It --  
3 it really is random, all over the U.S.

4 Q Okay. And of all -- so how many locations total were  
5 reviewed in North American Customer Fulfillment during the 2020  
6 review of step plan rates?

7 A Over 1,500 locations were reviewed.

8 Q And of those locations, how many of them received some  
9 form of hourly rate increase?

10 A Over 90 percent of those sites reviewed received an  
11 increase.

12 MR. JOHNSON: Okay. We can take down 109. Thank you.

13 Q BY MR. JOHNSON: Given the wage review process that you've  
14 testified about up to now, is it -- was it possible that Amazon  
15 could accomplish that process between October 20 and October  
16 21?

17 A No.

18 Q How about between October 20 and October 25?

19 A No.

20 Q How about in the last ten days of October 2020?

21 A No.

22 Q How about between October 20 and November 2?

23 A No.

24 Q And why did you answer no to all these questions?

25 A The -- just the -- the sheer volume of effort in data

1 collection, review, approval process, and quite honestly, just  
2 even once rates are established, it takes a number of weeks to  
3 even just simply process the volume of rate changes that were  
4 caused by those sites getting a change.

5 Q And during this process, was BHM1 separated out by itself  
6 in any fashion and scrutinized individually?

7 A No.

8 Q And are you familiar with how many weeks it takes to key  
9 in the data for this process?

10 A The pay services team, when we typically have our  
11 implementation meetings, they generally say it's about a seven-  
12 to ten-day process to get all of the rates loaded, audited, and  
13 reviewed, because they don't simply just go in. There's  
14 typically data kickouts that they have to individually research  
15 those, and there are hundreds of those that typically cause it  
16 to be an extended period of time.

17 Q Is that some form of quality control or is there another  
18 qual -- form of quality control?

19 A There -- there's a number of checks, but yes, that is a  
20 quality-control check. It -- it's very critical that we have  
21 no pay defects. When we -- when we state that these are the  
22 rates going into effect on October 25th, we want every  
23 associate that's affected to have the correct rates of pay at  
24 all times.

25 Q Okay. So between October 25th, the effective date,

1 through March 29, 2021, did any BHM1 associates who were  
2 covered by the step plan receive individual rate increases?

3 A Yes, very likely.

4 Q And for an employee at BHM1 who remained in the same  
5 position, would increasing length of employment be the only  
6 cause for a rate change under the step plan or could there be  
7 some other cause?

8 MR. DAVIES: Objection. Leading.

9 MR. JOHNSON: We can't hear you, Madam Hearing Officer.  
10 You're on mute.

11 HEARING OFFICER MEYERS: I'm sorry. Overruled. It  
12 doesn't suggest an answer.

13 A No. The only opportunity for an associate staying in the  
14 same job to receive a pay adjustment during that time frame  
15 would be progression through the step plan.

16 Q BY MR. JOHNSON: And would there be any other cause, other  
17 than a promotion?

18 A No.

19 Q And why is that?

20 A Well, I mean, fundamentally, that's the basic purpose of a  
21 step plan, right? It -- it tightly controls compensation, it  
22 prevents any type of adjustment or manipulation, and it ensures  
23 that the pre-defined communication -- the -- the pre-defined  
24 increases that were communicated to an associate go into  
25 effect, you know, as -- as promised, as indicated by the



1 published step plan structure.

2 Q Are discretionary increases by local sites permitted under  
3 the step plan?

4 A Absolutely not.

5 Q Would a member of site HR or site management at a  
6 fulfillment like BHM1 have the authority to change the rates  
7 under the step plan?

8 A Absolutely not.

9 Q Would they have the authority to change the steps under  
10 the step plan?

11 A Absolutely not.

12 Q Would they have the authority to change the intervals  
13 between the steps under the step plan?

14 A Absolutely not.

15 Q Did BHM1 request any kind of exception to the step plan  
16 base rates that were approved in August and September of 2020?

17 A No.

18 Q Do you know of the job classification of process  
19 assistant?

20 A Yes.

21 Q And in terms of the pay scale and step plan, do process  
22 assistants get paid like supervisors or non-supervisors?

23 A They're paid like every other non-supervisory member  
24 covered by the step plan. They are essentially Tier 3  
25 associates covered by the step plan.

1 Q So does the Tier 3 step plan that we saw in the earlier  
2 exhibit, 109, would that cover them?

3 A Yes.

4 Q Are they subject to that Tier 3 step plan like every other  
5 Tier 3?

6 A Yes.

7 Q From the effective date of October 25, 2020, through March  
8 29, 2021, did any of the pay rates under the DHM1 step plan  
9 change?

10 A No.

11 Q Did they change for Tier 1s?

12 A No.

13 Q Did they change for Tier 3s?

14 A No.

15 Q Did they change for transportation associates?

16 A No.

17 MR. JOHNSON: Can we put up -- I think we have a  
18 demonstrative exhibit that has, and I want to say it is going  
19 to be 118. But let's take a look at 118, Madam Hearing  
20 Officer.

21 HEARING OFFICER MEYERS: Madam Bailiff, can you put up  
22 118?

23 MR. JOHNSON: Oh, can we move in 117 while we're waiting  
24 for 118?

25 HEARING OFFICER MEYERS: Any objection to 117, Mr. Davies?

1 MR. DAVIES: No objection.

2 HEARING OFFICER MEYERS: 117 is admitted.

3 **(Employer Exhibit Number 117 Received into Evidence)**

4 MR. JOHNSON: Ah, there's 118.

5 Q BY MR. JOHNSON: Does this demonstrative accurately  
6 summarize the step plan wage rates for BHM associates between  
7 October 25, 2020, and March 29, 2021?

8 A Yes.

9 MR. JOHNSON: I'd like to move this into evidence.

10 HEARING OFFICER MEYERS: Any objection, Mr. Davies?

11 MR. DAVIES: No objection.

12 HEARING OFFICER MEYERS: Number 118 is -- is admitted.

13 **(Employer Exhibit Number 118 Received into Evidence)**

14 MR. JOHNSON: And you can take it down. Thank you, Madam  
15 Hearing Officer -- Madam Bailiff.

16 Q BY MR. JOHNSON: And one last question for you, Mr. Odom.  
17 To your knowledge, did the October 25, 2020, rate changes for  
18 BHM1 have anything to do with the Union campaign?

19 A No.

20 Q Why not?

21 A The rates that went into effect in October were devised  
22 well back in the June/July time frame and reviewed and approved  
23 in the August/September meetings, well before any of us had any  
24 knowledge of any kind of Union activity.

25 MR. JOHNSON: One moment while I confer with Counsel.

1 HEARING OFFICER MEYERS: You can take -- take as long as  
2 you need. Go off the record?

3 MR. JOHNSON: Okay. No, we're -- we can stay on.

4 HEARING OFFICER MEYERS: On the record.

5 MR. JOHNSON: Thank you, Madam Hearing Officer. No  
6 further questions on direct for this witness.

7 HEARING OFFICER MEYERS: Any redirect, Mr. Rouco or  
8 Mr. Davies?

9 MR. DAVIES: Redirect?

10 MR. JOHNSON: You mean any cross.

11 HEARING OFFICER MEYERS: Recross.

12 MR. DAVIES: Recross? Cross?

13 HEARING OFFICER MEYERS: Cross. I'm sorry. We haven't  
14 crossed.

15 MR. DAVIES: Okay.

16 HEARING OFFICER MEYERS: It would be cross.

17 MR. DAVIES: We were so fast, you didn't --

18 HEARING OFFICER MEYERS: I got myself all confused.

19 MR. DAVIES: We were so fast, you didn't hear us.

20 HEARING OFFICER MEYERS: Yeah. If you were that fast,  
21 we'd be done.

22 Mr. Rouco or Mr. Davies, who is going to take this witness  
23 first?

24 MR. DAVIES: We're going to -- can we have a -- ten  
25 minutes or so to confer about --

1 HEARING OFFICER MEYERS: Certainly. Are you going to  
2 need --

3 MR. DAVIES: -- cross?

4 HEARING OFFICER MEYERS: Are you going to need more than  
5 ten minutes to prepare your cross or --

6 MR. DAVIES: We probably -- we probably --

7 HEARING OFFICER MEYERS: -- can we finish this witness  
8 before lunch?

9 MR. DAVIES: We probably do need more. We probably do  
10 need more.

11 HEARING OFFICER MEYERS: How much do you think you're  
12 going to need?

13 MR. DAVIES: Probably 30 minutes.

14 HEARING OFFICER MEYERS: Okay. How about we do 45 minutes  
15 and include lunch, taking you to 12:15 your time?

16 MR. DAVIES: Okay. Thank you.

17 HEARING OFFICER MEYERS: Okay. We will be in recess until  
18 12:15 Central, 1:15 Eastern. And we will resume.

19 Mr. Odom, you're still on the stand, but you can turn off  
20 the microphone and turn off the camera and get yourself  
21 something to eat. And just be back here by -- you're in  
22 Nashville, which I think is Central time, as I recall. So just  
23 be back on by 12:15, if you would.

24 THE WITNESS: Will do. Thank you.

25 HEARING OFFICER MEYERS: Okay. Thanks. Bye-bye.



1 MR. JOHNSON: Thanks.

2 HEARING OFFICER MEYERS: We'll see you shortly.

3 Off the record.

4 (Off the record at 11:34 a.m.)

5 HEARING OFFICER MEYERS: And Mr. Rouco, did you want to  
6 move for the admission of 36?

7 MR. ROUCO: Yes, ma'am. I do.

8 HEARING OFFICER MEYERS: Okay. And Mr. Johnson, was there  
9 any objection to 36?

10 MR. JOHNSON: This may be shocking to you, but no  
11 objection.

12 HEARING OFFICER MEYERS: Excellent. Union's 36 is  
13 admitted.

14 **(Union Exhibit Number 36 Received into Evidence)**

15 HEARING OFFICER MEYERS: Welcome back, Mr. Odom. Just a  
16 reminder, you're still under oath.

17 And Mr. Rouco, your witness.

18 MR. ROUCO: Yes. Thank you, Mr. -- Madam -- Madam Hearing  
19 Officer.

20 **CROSS-EXAMINATION**

21 Q BY MR. ROUCO: Mr. Odom, my name is Richard Rouco. I'm  
22 here representing the Union in this proceeding. As I  
23 understand, you presented as a person that's a compensation  
24 analyst for Amazon; is that right?

25 A Principal compensation consultant, yes.

1 Q Principal compensation consultant. Are you an employee of  
2 Amazon?

3 A Yes.

4 Q Okay. And so you -- as I understand the process that  
5 you've described is, that in April -- well, rates are reviewed  
6 annually; is that right?

7 A At least annually, yes.

8 Q And they're reviewed annually for all Tier 1, Tier 3, and  
9 transportation associates that are employed by Amazon?

10 A Yes.

11 Q If I -- and this process, if I understand your testimony,  
12 the analysis starts in April of each year; is that right?

13 A Roughly April, yes. At the conclusion of the Q1 process.

14 Q And is there -- is there data being collected during the  
15 Q1 process that will be then use -- during the first quarter of  
16 the year-- that will then be used in the analysis that is  
17 performed from April through October?

18 A Not generally. The -- the Q1 process is focused mainly on  
19 the annual performance review for salaried associates.

20 Q Okay. And that Q1 process, is that -- do you set rates  
21 for associates who get a performance evaluation. Is that what  
22 that Q1 process refers to?

23 A Yes. Any -- any employee of Amazon that's considered off  
24 step, basically, not covered by the step plan based on hire  
25 date eligibility who had received a performance review and have

1 an opportunity for adjustment during the Q1 process.

2 Q Okay. Now, so the data that's collected on each location,  
3 is that the ability to staff, attrition rates; is that right?

4 A Yes. The data we collect includes workforce staffing and  
5 recruiting data like the ones you mentioned.

6 Q What other site-specific data is collected?

7 A We usually get market data from ERI based on market  
8 matches for the positions.

9 Q Anything else?

10 A Not that I can think of.

11 Q So you look at ability to staff, attrition or retention  
12 rates, and then market data, wage market data for the positions  
13 that you're looking at; is that right?

14 A Yes. I mean, obviously, there are other considerations  
15 like statutory minimum wage increases. We have to be compliant  
16 with the law and other activities that maybe are continuations  
17 of prior year reviews, but in general, those are the data  
18 points collected.

19 Q And the market rate data, is that -- is that the data  
20 that's published by BLS?

21 A No, it is not.

22 Q What -- what data source do you use for market rates?

23 A We use a company called ERI, the Economic Research  
24 Institute.

25 Q Okay. Now, is this -- is there an analysis performed on



1 each specific site?

2 A Yes, the -- the process does go to the site and the group  
3 of sites at the node level.

4 Q Is there an analysis that was performed specific to BHM1  
5 in 2020?

6 A BHM1 was included in the overall wage review process that  
7 does look at this -- this data, yes.

8 Q Well, so my question is, was -- did -- did someone look at  
9 retention rates, staff -- ability to staff, local market rates,  
10 in order to determine whether the \$15 an hour wage that was  
11 paid to BHM1 Tier 1 associates was an appropriate rate?

12 A So -- yes. Through the process, we have a system that  
13 takes all of those data inputs for every site specifically.  
14 And the system itself does review site-specific data for each  
15 location and group of sites in the node.

16 Q Is there a report that's generated for each specific site?

17 A Yes.

18 Q Okay. Does the system itself make a recommendation, you  
19 know, does it spit out what it thinks the rate should be?

20 A Yes.

21 Q And is there such a report for BHM1?

22 A There's not a singular report. There is -- there is a  
23 report that encompasses all sites as part of the review  
24 collectively. However, within that report, there is, line by  
25 line, each of the different sites of nodes.

1 Q And that report has not -- hasn't been presented in this  
2 proceeding; is that right?

3 A No. There's definitely some proprietary information in  
4 that.

5 Q Okay. Now, BHM1 was launched in March of 2020, right?

6 A Yes, I believe so.

7 Q So you would agree that the data that you had on attrition  
8 and on the ability to staff was -- was very limited data as to  
9 BHM1, right?

10 A I wouldn't say it's limited. It's the data that we had.

11 Q Well, the data would only have lasted -- when you started  
12 your analysis in April, the fac- -- the facility had been open  
13 for less than a month, right?

14 A Right. But it's not data that's as of April.

15 Q It's data as of the prior year?

16 A No. The -- the data that we collect is a continual  
17 process through until the final recommendation is submitted.

18 Q Well, the final recommendation, if -- if I understand it,  
19 is submitted in July; is that right?

20 A It was actually submitted in the -- the meeting on August  
21 11th.

22 Q Okay. I know you submitted on August 11th, but you didn't  
23 final -- did you finalize it on August 11th?

24 A No.

25 Q Okay. You finalized, if I understand your testimony

1     correctly, you finalized it sometime in June/July time frame,  
2     right?

3     A     Yes.

4     Q     Okay. When did you finalize the recommendation for wage  
5     increases with respect to BHM1?

6     A     I don't recall the exact date, but it would likely be in  
7     the month of July.

8     Q     Okay. So at the time that that recommendation was made,  
9     is it fair to say that there were -- you only had about three  
10    months' worth of data on BHM1 with respect to ability to staff  
11    and attrition rates?

12    A     I would say four to five months. I'm not sure exactly  
13    when in March it launched, but March to -- March to July would  
14    be typically that time frame.

15    Q     So you're saying March, April, May, June, July. You had  
16    all of July and all of March, is that what you're saying you  
17    had data for?

18    A     We have the data that's effective as of the time that the  
19    last analysis was run. Again, I don't know the exact date of  
20    that.

21    Q     Now, if I understand your -- your testimony then, BHM1 was  
22    grouped with 63 other sites; is that right?

23    A     No. No, that's not correct.

24    Q     Okay. Well, what -- who was -- what was BHM1 grouped  
25    with, what other sites?

1 A BHM1 was not grouped with other sites.

2 Q Okay. So there were 63 other sites that received the same  
3 pay increases that were received at BHM1; is that right?

4 A There were 63 sites that had the same new rates as BHM1,  
5 yes.

6 Q Okay. And how many of those sites were open for less than  
7 a year?

8 A I -- I don't have that information.

9 Q Now, it's -- is it common to do a -- a review of the rates  
10 of a facility that just launched?

11 A Yes.

12 Q Now, there were two other facilities that you say were  
13 in -- that were in the same locale as BHM1; is that right?

14 A There were two delivery stations at the time of the -- of  
15 the October 25th rate change that were relatively close to  
16 BHM1.

17 Q And what kinds of jobs were at the -- at those delivery  
18 stations, if you know?

19 A Yes. Tier 1 and Tier 3 associates, along with  
20 transportation associates.

21 Q Okay. And how many employees, do you know, were at these  
22 delivery stations?

23 A I -- I don't have the -- the head count at the top of my  
24 head for those two locations.

25 Q Do you know how long those two locations had been open?



1 A I believe one of them was open longer than BHM1, and I  
2 believe one of them had opened even later in the year than  
3 BHM1.

4 Q So -- right. The one, I guess it was in July; is that  
5 right? The -- the second -- one of the delivery stations  
6 opened in July of 2020?

7 A I -- I don't recall the exact launch date for that site.

8 Q And was that site included in the analysis?

9 A Yes. Those two locations were included in the -- the rate  
10 changes that went into effect October 25th.

11 MR. ROUCO: Okay. All right. I have nothing further.  
12 Thank you.

13 HEARING OFFICER MEYERS: Any redirect?

14 MR. JOHNSON: I have just two questions.

15 HEARING OFFICER MEYERS: Okay. Please proceed.

16 MR. JOHNSON: Just give me one second. Give me a second.

17 **REDIRECT EXAMINATION**

18 Q BY MR. JOHNSON: Okay. So you were asked a question about  
19 whether Amazon reviews for wage adjustments annually. Do you  
20 recall that question, Mr. Odom? I believe your answer was at  
21 least annually; am I correct about that?

22 A Yes.

23 Q Okay. And what did you mean when you say at least  
24 annually?

25 A Depending upon the situation, you know, realistically, at

1 any point throughout the year, if the site is experiencing a  
2 situation that they feel could be reme- -- solved by a pay rate  
3 change, they can request what we call an off-cycle adjustment  
4 review.

5 Q Okay. And you were asked about BHM being grouped with  
6 sites. Did you -- do you recall that question?

7 A Yes. Yes.

8 Q Was BHM1 part of the general 1,500-site review that was  
9 part of the 2020 process or not?

10 A Yes. It was --

11 Q Okay.

12 A -- part of the 1,500 sites that were reviewed in 2020.

13 Q Okay. And are there other nationwide initiatives, wage  
14 initiatives, that Amazon executed in 2020, like a bonus, for  
15 instance?

16 A Yes.

17 Q Okay. And would that be the holiday bonus; is that one  
18 example?

19 A I -- I really don't have knowledge of the holiday bonus.  
20 That wasn't the one I was referring to.

21 Q Okay. What one were you referring to?

22 A I was -- I was referring to a -- the COVID thank you bonus  
23 that occurred in the June time frame of 2020.

24 Q Okay. Was that a nationwide bonus?

25 A Yes.

1 MR. JOHNSON: All right. No further questions.

2 HEARING OFFICER MEYERS: (No audible response).

3 MR. ROUCO: Can I -- yeah. I just have a -- a few follow-  
4 ups on this.

5 **RECROSS-EXAMINATION**

6 Q BY MR. ROUCO: Mr. Odom, you -- you said 1,500 sites were  
7 reviewed in 2020; is that right?

8 A Slightly over 1,500 were part of the 2020 across-the-board  
9 review.

10 Q Did that include all of Amazon's fulfillment centers in  
11 the United States?

12 A Yes.

13 MR. ROUCO: All right. I have nothing further. Thank  
14 you.

15 MR. JOHNSON: I also have nothing further, Madam Hearing  
16 Officer.

17 HEARING OFFICER MEYERS: (No audible response).

18 THE COURT REPORTER: You're muted, Ms. Meyers.

19 HEARING OFFICER MEYERS: Thank you.

20 Mr. -- Mr. Odom, I have -- I have just one follow-up  
21 question. You mentioned that new facilities are included in  
22 your wage review. Do you remember any other new facilities  
23 that were subject to the same wage review in 2020?

24 THE WITNESS: Not off the top of my head, but I can say  
25 for certain that we open sites regularly throughout the year.

1 And any site that was opened prior to the October 25th  
2 effective date that was launched within one of those grouped  
3 nodes would receive the exact same rate increase. Again, based  
4 on the fact that they're launched prior to October 25th at the  
5 matching rates, and they continue to receive the same rate for  
6 their sites that are located next to them. So assuming a site  
7 launched October 1st, it would also receive the exact same  
8 increase effective October 25th.

9 HEARING OFFICER MEYERS: Okay.

10 MR. JOHNSON: That actually -- we -- sorry.

11 HEARING OFFICER MEYERS: Do you have --

12 MR. JOHNSON: It's a --

13 HEARING OFFICER MEYERS: Do you have questions to follow  
14 up from that?

15 MR. JOHNSON: Yes, I have one.

16 **FURTHER REDIRECT EXAMINATION**

17 Q BY MR. JOHNSON: Now, you, Mr. -- Mr. Odom, you testified  
18 about delivery stations near BHM1?

19 A Yes.

20 Q Was one of them newer than BHM1?

21 A Yes.

22 Q Okay. And you -- as I understand your testimony, you  
23 don't recall which one it was, but one of them was newer?

24 A That's correct.

25 Q Okay. Did BHM1 ever request an off-cycle review in 2020?



1 A No.

2 MR. JOHNSON: Okay. No further questions.

3 HEARING OFFICER MEYERS: Mr. Rouco, do you have any  
4 recross, re-recross?

5 MR. ROUCO: Well, yeah. It's a follow-up on your  
6 question, Madam Hearing Officer. He responded to that  
7 question --

8 **FURTHER RECROSS EXAMINATION**

9 Q BY MR. ROUCO: You responded by saying that there -- this  
10 notion of grouped nodes. And as I understood you earlier, you  
11 said that BHM wasn't grouped. Is there -- was BHM put into a  
12 specific node?

13 A No. It is a stand-alone site. It's not grouped or noded  
14 with other sites.

15 Q Okay. So -- so when you -- when you testified about  
16 grouped nodes, what are you referring to?

17 A Noding is the concept of grouping sites that are  
18 sufficiently close to ensure that their rates of pay remain  
19 consistent. If you recall in the constrained market email, the  
20 list of -- of 70-plus sites across ten nodes, that -- that's a  
21 example of our grouping of sites and nodes. Those ten bullet  
22 points each is a node, and with each -- within each bullet  
23 point is a list of the sites that are part of that node.

24 Q And who determines where -- what node a site belongs to?

25 A Typically, that's determined when the site is initially



1 requested from us due to its -- its launch. An analysis is  
2 conducted based on proximity and other factors to determine if  
3 it's going to be grouped to nearby sites or not.

4 Q So when BHM was launched in March of 2020, it was  
5 grouped -- it was placed in a node; is that correct?

6 A Technically, you are correct. It is a node of one site,  
7 but it is not grouped with any other sites. It is a stand-  
8 alone node of one site.

9 Q Because -- and that's because there was only one  
10 fulfillment center in Alabama?

11 A It's likely due to the proximity of the other sites, and  
12 potentially, other factors.

13 Q So how many -- so is each fulfillment center a node on its  
14 own?

15 A Node is a nomenclature that we use to just identify a  
16 group of sites that are to be paid consistently due to the  
17 proximity. And so by default, a stand-alone site with nothing  
18 nearby would be considered a node of one.

19 Q Okay. And that's -- and that's what BHM was, a node of  
20 one?

21 A Yes.

22 Q So the rates for BHM1 in 2020, since it mar -- since it  
23 launched in March, had already been determined for March, is  
24 that -- I mean, for the year of 2020; is that right?

25 A When we launch a site, we don't necessarily determine the



1 rates for the "year", it is simply the rates of pay that are in  
2 effect upon the launch of the site. And then those rates  
3 remain in effect continuously until either adjustment by an  
4 off-cycle review or if the across-the-board review results in a  
5 rate increase.

6 MR. ROUCO: Okay. I have nothing further, thank you.

7 HEARING OFFICER MEYERS: Any redirect, Mr. Johnson?

8 MR. JOHNSON: Just one question.

9 **FURTHER REDIRECT EXAMINATION**

10 Q BY MR. JOHNSON: Just so I understood your testimony,  
11 Mr. Odom, every site that launches has some initial wage rate,  
12 right?

13 A Yes. It's the rates that go into effect on the day that  
14 it's -- it's launched. And those are determined before launch  
15 so that normal recruiting efforts can go into effect to staff  
16 the site upon its launch.

17 MR. JOHNSON: Okay. No further questions.

18 HEARING OFFICER MEYERS: Any redirect -- or recross?

19 MR. ROUCO: No, thank you.

20 HEARING OFFICER MEYERS: Excellent. Mr. Odom, thank you  
21 for coming in. We appreciate your time here today. The rule  
22 of sequestration is in effect, so please do not discuss your  
23 testimony with anyone. In the unlikely event that either party  
24 determines that they need to recall you, you could be called  
25 back. I doubt that will happen; however, it's possible. But

1 we will give you advance notice and let you know when we need  
2 you to come. Thanks again for coming in to testify. We  
3 appreciate your time. You're free to go.

4 THE WITNESS: Thank you, madam. I appreciate the  
5 opportunity.

6 HEARING OFFICER MEYERS: Thank you. Bye-bye.

7 Mr. Johnson, are you ready to call your next witness?

8 MR. JOHNSON: Yes, we have a witness up in five minutes,  
9 but we just need to have that person log in.

10 HEARING OFFICER MEYERS: Okay. Let's have them log in by  
11 1:45.

12 MR. JOHNSON: Okay. Will do. Thank you.

13 HEARING OFFICER MEYERS: All right. Thank you.

14 (Off the record at 12:38 p.m.)

15 HEARING OFFICER MEYERS: Would you like to call your next  
16 witness, Mr. Scroggins?

17 MR. SCROGGINS: Yes. The Employer's next witness is Dawn  
18 Hoag.

19 HEARING OFFICER MEYERS: Ms. Hoag, could you raise your  
20 right hand, please?

21 Your microphone is off, so you need to turn that on. It's  
22 still off. Do you see the little widget with the microphone on  
23 it?

24 MR. SCROGGINS: Bottom right-hand corner, I think.

25 HEARING OFFICER MEYERS: Just click on that.

1 MS. HOAG: I got it.

2 HEARING OFFICER MEYERS: Left-hand corner.

3 MR. SCROGGINS: Oh, it's the left-hand corner.

4 MS. HOAG: Can you hear me now?

5 HEARING OFFICER MEYERS: We can hear you now. All right.

6 MS. HOAG: All right.

7 HEARING OFFICER MEYERS: Let's try that again.

8 Whereupon,

9 **DAWN HOAG**

10 having been duly sworn, was called as a witness herein and was  
11 examined and testified, telephonically as follows:

12 HEARING OFFICER MEYERS: Thank you, ma'am.

13 Your witness, Mr. Scroggins.

14 **DIRECT EXAMINATION**

15 Q BY MR. SCROGGINS: Ms. Hoag, would you please state and  
16 spell your name for the record, please?

17 A My name is Dawn Hoag, and it is spelled D-A-W-N, H-O-A-G.

18 Q And do you work for Amazon at its BHM1 fulfillment center  
19 in Bessemer, Alabama?

20 A I do.

21 Q And have you received a subpoena for your appearance here  
22 today?

23 A I did.

24 Q And will you tell us what your current job title is?

25 A I am the outbound FPY PA for front-half days.



- 1 Q Is that a Tier 3 hourly position?
- 2 A Yes, sir. It is.
- 3 Q How long have you worked at BHM1?
- 4 A Since it opened April 6th of 2020.
- 5 Q And were you ever employed by Amazon prior to you working
- 6 at BHM1?
- 7 A No, sir.
- 8 Q And what shift do you currently work?
- 9 A I work the shift that's called front-half days, and it's
- 10 from Sunday through Wednesday, 7:30 a.m. to 6:00 p.m.
- 11 Q And were you aware that there was a Union organizing drive
- 12 at BHM1?
- 13 A I was.
- 14 Q And do you recall when you first became aware of the Union
- 15 organizing activity at BHM1?
- 16 A I do. It was mid- to late-November of last year.
- 17 Q And how did you first become aware of that activity?
- 18 A We saw people standing down by the road, and I also had a
- 19 nice little interaction with someone putting half of themselves
- 20 into my car.
- 21 Q When you said saw them standing down by the road, which
- 22 road are you referring to?
- 23 A I believe it's Power (sic) Plant Road, where the
- 24 intersection is for the main entrance.
- 25 Q And can you describe for me this interaction that you just

1 testified about?

2 A I think it was the second day that I saw that people were  
3 down there. It was a particularly hot day in November, and I  
4 had a very -- my car is a Mercedes R Class, so it's very  
5 long -- so it takes a little -- while for a lot of hot air to  
6 get out. So all four of my windows were down and I just  
7 happened to be the first car at the traffic light. And one of  
8 the gentlemen that was down at the intersection actually put  
9 his hand on my windowsill of my car and inserted himself into  
10 my car to hand me a card that had information on it. And  
11 he's --

12 Q How did you know -- I'm sorry. I didn't mean to  
13 interrupt. Go ahead.

14 A And he -- he said, well, this is who we are and this is  
15 what we're doing.

16 Q How did you know these people were Union organizers?

17 A Everybody had T-shirts and hats and jackets on.

18 Q And what were they all doing there?

19 A They had signs. I guess, the best way to say is they were  
20 trying to get attention.

21 Q Did the man who approached your car and handed you the  
22 card, did he tell you what the Union was offering to do for you  
23 as an Amazon employee?

24 A Yes.

25 Q What'd he say to you?

1 A He said -- it was -- we're looking at -- or -- I forget  
2 exactly how he worded it, better wages, better benefits, and  
3 protection from -- oh, I forget exactly how he said it, unfair  
4 or the disciplinary action.

5 Q Okay.

6 A It was -- I forget exactly how he said it. It was like,  
7 unfair disciplinary action or --

8 Q After this first time that you saw the organizers there at  
9 the Powder Plant Road intersection, did you see organizers at  
10 other places around the plant?

11 A Yes, sir. They -- we had a back entrance that comes out  
12 by the Chevrolet dealership. And there were people standing in  
13 the center median there at that intersection. They were along  
14 the right side of the road as well. And then, they set up,  
15 kind of like, a camp with a ten-by-ten pavilion. It was kind  
16 of in the grass in between where the gas station and the now  
17 Taco Bell is.

18 Q Okay. And did you ever attend any meetings at BHM1 where  
19 Amazon talked about the Union?

20 A Yes, sir.

21 Q And how many of those meetings did you attend?

22 A It's five or six.

23 Q And do you recall when you first attended one of those  
24 meetings?

25 A Yes, sir. It was my first --



1 Q When?

2 A -- first day back.

3 Q First day back from what?

4 A I served on an away team. I went and opened DSM5 in Iowa.  
5 And so I was gone from the 2nd of January until the 15th.

6 Q All right. Once you started attending these meetings, how  
7 often did you attend them?

8 A It -- it was generally once a week. But because I had  
9 missed the first two, I got to go -- like, the first two weeks,  
10 I got to go to two a week.

11 Q And do you remember how many other employees were in these  
12 meetings with you?

13 A I think the smallest number I was with was like seven or  
14 eight. And then, the largest that they could fit in the room  
15 safely was -- there was 20.

16 Q And who led these meetings?

17 A From what we understood, it was public relations people  
18 for Amazon.

19 Q Were members of BHM1 management in these meetings?

20 A They wouldn't even set foot in the door.

21 Q Did the people that led these meetings use a PowerPoint  
22 presentation?

23 A Yes, sir.

24 Q And when they -- when the speakers were leading these  
25 meetings, did they generally follow what was on the slides

1 shown to the group?

2 A Yes, sir.

3 MR. DAVIES: Objection. Lack of foundation.

4 MR. SCROGGINS: Your Honor --

5 MR. DAVIES: You're on mute, so.

6 MR. SCROGGINS: -- you're on mute. You're muted.

7 HEARING OFFICER MEYERS: I'm going to sustain that  
8 objection. Can you rephrase, please?

9 MR. SCROGGINS: Sure.

10 Q BY MR. SCROGGINS: Ms. Hoag, did you see the PowerPoint  
11 presentation that was presented to the group?

12 A Yes, I did.

13 Q And did you hear what the speakers said to the group?

14 A I did.

15 Q And when the speakers were speaking to the group of  
16 employees, did they follow what was presented or shown on the  
17 PowerPoint slides --

18 MR. DAVIES: Objection. Hearsay.

19 HEARING OFFICER MEYERS: Would you like to make an  
20 argument about that, Mr. Davies? How is that hearsay?

21 MR. DAVIES: Well, I think she -- I think the question  
22 calls for hearsay.

23 HEARING OFFICER MEYERS: How does it call for hearsay?  
24 Did she observe them following the script?

25 MR. DAVIES: No, I think he -- he asked the -- Mr.

1 Scroggins asked whether or not they -- what they said to her,  
2 what they talked about when they -- when she -- when they  
3 outlined what was in the script for the PowerPoint.

4 HEARING OFFICER MEYERS: Mr. Scroggins?

5 MR. SCROGGINS: Well, unless I'm mistaken, I believe the  
6 Union's objections center upon, you know, what impression the  
7 employees had from what was said at the meetings and what was  
8 said at the meeting. Ms. Hogan has already testified she saw  
9 the slides. She's testified she heard what the speaker said.  
10 And so the question is simply, did the speakers follow the  
11 script that was -- or -- or the points that were on the slide.  
12 She has personal knowledge of what was observed here. It's  
13 relevant to the Union's objection. It's relevant to the  
14 company's case against the objections. I -- I -- I -- I don't  
15 see how this is -- qualifies as hearsay.

16 HEARING OFFICER MEYERS: Just because something is  
17 relevant doesn't mean that it's not hearsay, number one. And  
18 number two, I'm uninterested in what her personal impression  
19 was. I'm more concerned about what the objective im- --  
20 impression was. So why don't we -- I'm going to overrule that  
21 objection because I don't think it's hearsay. But with what I  
22 just said in mind, can you please continue?

23 MR. SCROGGINS: Sure.

24 Q BY MR. SCROGGINS: Ms. Hoag, did you observe the speakers  
25 when they were talking to the group of employees following what

1 was shown on the slides in front of the group?

2 A Yes.

3 Q Were there any flyers or written material made available  
4 to you and other employees at these meetings?

5 A Yes.

6 Q And how were these materials, these written materials,  
7 made available to employees at the meetings?

8 A One meeting I went to, they were laid on the chairs before  
9 we came into the room, because they were sitting on the chairs  
10 when we got into the room. And then the rest of them, they  
11 were on a table by the doors we went out.

12 Q Did anyone hand you any of these written materials  
13 directly to you at these meetings?

14 A No, sir.

15 Q Did you see anybody hand any of these written materials to  
16 any of your coworkers at these meetings?

17 A No, sir.

18 Q Now, you testified that sometimes some of this written  
19 material was made available on tables. Did you take any of  
20 that writ- -- written material that was made available on the  
21 tables?

22 A Yes, sir.

23 Q Did you see some employees not pick up any of the material  
24 made available on the tables?

25 A Almost definitely every time.

1 Q And was it up to each employee whether they wanted to take  
2 any of this written material?

3 A Yes, sir.

4 Q And did you see anybody handing any written material  
5 directly to any of your coworkers?

6 A No, sir, not that I ever witnessed.

7 Q Okay. Did any of the speakers at these meetings say that  
8 you would lose pay if the Union were elected as your collective  
9 bargaining representative?

10 A No, sir.

11 Q Did they ever say that you would get a pay cut if the  
12 Union was elected as your collective bargaining representative?

13 A No, sir.

14 Q Did any of the speakers or presenters at these meetings  
15 say you would lose your benefits if the Union were elected as  
16 your collective bargaining representative?

17 A No, sir.

18 Q What did the presenters, the speakers say about pay and  
19 benefits at these meetings?

20 A The most that was ever said, at the ones I went to, was it  
21 would all be up for negotiation.

22 Q Did you ever ask any questions any of these meetings?

23 A I did. The very first one I went to.

24 Q What question or questions did you ask at these meetings?

25 A Well, the -- the very first question I asked, I pay

1 attention to current events, and I had personal knowledge of  
2 the PRO Act and what it was and what the ramifications of it  
3 would be if -- if it -- because at that point, it hadn't made  
4 it through Congress. It hadn't been to the Senate. And so I  
5 raised the question that if the Union was elected, would we  
6 have to pay Union dues? And I was answered that no, we would  
7 not. That, you know, Alabama's a right-to-work state. And  
8 therefore, we can't be made to pay dues. And I said, well, if  
9 the PRO Act makes it through Congress and gets enacted as law,  
10 would we then be required, you know, to pay dues? And the  
11 answer was yes.

12 Q Did any other employees beside yourself ask questions at  
13 these meetings?

14 A Yes, sir, sometimes. And then, there were -- one meeting  
15 where nobody asked a single question.

16 Q Do you remember what types of questions other employees  
17 asked?

18 A They were --

19 MR. DAVIES: Objection.

20 MR. SCROGGINS: We can't hear you. Sorry.

21 HEARING OFFICER MEYERS: What is your objection?

22 MR. DAVIES: Oh, again, calls -- I think it calls for  
23 hearsay. And a lack of foundation.

24 HEARING OFFICER MEYERS: Going to overrule the objection.

25 MR. DAVIES: Okay. Fine.

1     A     Does that mean I can answer? Okay. They were kind of  
2     across, you know, a little bit of everything across the boards.  
3     Almost every time somebody would ask whether or not we would  
4     have to pay dues, because you never went to the same meeting  
5     with the same people. And one I went to there was a gentleman  
6     who was older gentleman, obviously very pro-Union. And he got  
7     very loud and very ugly, you know, saying things about how long  
8     breaks were and things like that. And he got very heated. And  
9     I was actually very impressed by the gentleman that was leading  
10    the meeting because he -- he did not get upset at all. He did  
11    not try to quiet the man. He listened to his concerns, and he  
12    addressed them. And eventually, the man settled down and sat  
13    back down, and he left the room with us. They never asked him  
14    to step out. So I was actually kind of surprised as ugly as he  
15    got. But you know, he listened to what the speaker had to say  
16    and settled down and sat back down and left with us.

17   Q     BY MR. SCROGGINS: Did the meeting continue on after this  
18   interaction between the employee and the speaker?

19   A     It did.

20   Q     Did any of the speakers or presenters at these meetings  
21   tell you that if the Union became the bargaining representative  
22   of employees at the BHM1 that you would end up on strike?

23   A     No.

24   Q     Did any of the speakers or presenters at these meetings  
25   say that BHM1 would close if the Union became the exclusive

1 bargaining representative?

2 A No.

3 Q Did they say or suggest that BHM1 would have employee  
4 layoffs if the Union became the exclusive bargaining  
5 representative?

6 A No.

7 Q Did any of these speakers or presenters say or suggest  
8 that BHM1 would lose business if the Union became the  
9 collective bargaining representative of -- of employees --

10 A No, sir.

11 Q Were you ever approached by anyone in management with  
12 questions about your ballot?

13 A No, sir.

14 Q Did you ever see or hear anyone in management at BHM1  
15 approach another employee asking questions about their ballot?

16 A No, most of them flat out stated they couldn't even talk  
17 about the subject.

18 Q And who -- who was it that said they couldn't even talk  
19 about the subject?

20 A Almost -- I would say, I didn't hear every single one of  
21 the ones in outbound say it. But most of the ones I knew well  
22 had -- I had at least heard say once or twice.

23 Q Were these manage -- management employees or your  
24 coworkers that you're referring to?

25 A The ones who said they couldn't talk about it were -- were



1 management.

2 Q Okay.

3 A They were area managers.

4 Q Did anyone ask -- ever asked you if you received your  
5 ballot? Anybody in management, I mean.

6 A No, sir.

7 Q Did anybody ever asked you if you had voted, anybody in  
8 management?

9 A No, sir. No management.

10 Q Did anybody in management ever ask you whether you voted  
11 for or against the Union?

12 A No.

13 Q Did anybody in management ever ask you if you had mailed  
14 your vote?

15 A No, sir.

16 Q Did you see anybody in management walking around the  
17 facility floor with lists or notebooks or papers approaching  
18 employees with questions about their ballots?

19 A No, sir.

20 Q And are you familiar with the term swag as that term is  
21 used at BHM1?

22 A Yes, sir.

23 Q Is the term swag a common term used at BHM1?

24 A It is.

25 Q And what does the term swag mean in -- in the context that

1 it's used at BHM1?

2 A Well, as far as I know it to mean, it's anything that's  
3 like Amazon branded. It could be anything from water bottles  
4 to lanyards to pens to T-shirts, anything like that.

5 Q And has Amazon given swag to employees at BHM1?

6 A Since day one.

7 Q And has that been consistent since the beginning of your  
8 employment?

9 A Yes, sir.

10 Q Have you noticed any change in the amount or type of swag  
11 that Amazon has made available or given to employees at -- at  
12 BHM1 since the Union organizing drive started?

13 A No, sir.

14 Q And has the amount and type of swag that Amazon's given to  
15 employees stayed the same during the Union organizing campaign  
16 as it was before?

17 A Yes, sir.

18 Q To this day is the amount and type of swag that you  
19 receive as an employee there, now that the election is over,  
20 consistent with the amount and type of swag that you received  
21 prior to and during the election?

22 A Yes, sir.

23 Q And you're aware that there's a post office box in the  
24 parking lot at BHM1?

25 A Oh, most definitely.

1 Q Yeah. What makes you say most definitely?

2 A Because I think I might partly be responsible for why it's  
3 there.

4 Q What makes you think that you may partly be responsible  
5 for why it's there?

6 A I expressed to several people -- and there're several  
7 people that agreed with me. We had a lot of people that had  
8 home visits from Union organizers. And there were, myself  
9 included, a -- a lot of people that felt like there was a  
10 really good chance that our ballots could be taken out of our  
11 home mailboxes. That it wouldn't be safe to mail our ballots  
12 from our house. And I had actually made the comment to someone  
13 that everybody wasn't going to be as lucky as me. I live three  
14 miles from my post office. And so I just drove my ballot to my  
15 post office and took it inside and mailed it so I could make  
16 sure it made it. But there were going to be people that didn't  
17 have that, and, you know, that they're worried whether or not  
18 somebody was going to come take their ballots out of their --  
19 you know, their home mailboxes.

20 Q And was there a tent around that mailbox at BHM1?

21 A There was like a -- a pavilion with sides, like, that  
22 reached from the top of it to the ground.

23 Q Did you have any concerns about that tent being there  
24 around the mailbox?

25 A No, it was for people's privacy.

1 Q What makes you think it was for people's privacy?

2 A It's so that nobody could see, essentially, you know,  
3 what -- what they were putting in, what they were doing. It  
4 was to give -- you know, I mean, that, to me would be common  
5 sense that it would, you know, just make sure that people had a  
6 semblance of -- of privacy so that nobody could -- nobody could  
7 think that they were being watched.

8 Q Did you ever notice anybody wandering around that tent or  
9 the mailbox during the election period?

10 A Not ever.

11 Q Did you ever notice anything unusual about that mailbox?

12 A No, sir.

13 Q Did anyone with Amazon ever direct you to use that mailbox  
14 at BHM1 for any purpose?

15 A No, sir, not at all.

16 Q Did anyone at -- at Amazon pressure you to use that  
17 mailbox for any purpose?

18 A No, sir.

19 Q And are you aware of any security cameras at BHM1 that can  
20 see the parking lot?

21 A Oh, yes. And I have personal knowledge of them.

22 Q All right. Can you -- what is that personal knowledge  
23 based on?

24 A So I was walking out to my car one day. And I was kind of  
25 late. We usually get out right about 6. And I think that day,

1 I had something I had to do. And so I was out the door a bit  
2 later. And by the time I got out to my car, it was right  
3 around 6:30. And I walked up, and somebody had dented in the  
4 right whole corner of my car and driven away. And I park in  
5 that -- at that point, I parked in the farthest lane in the  
6 parking lot because it was just the easiest to get out of.  
7 And the officer that was in the car that was in the parking  
8 lot, he came to get a police report. The security came and did  
9 an Amazon report, you know, for security and for their records.  
10 You know, and they told the police officer and I both that, you  
11 know, don't worry. We've got really great cameras. You know,  
12 we'll -- you know, we'll be able to figure out who did this.  
13 And then three days later, when it came time to get the -- the  
14 video, you know, from that, we were told that the only cameras  
15 that were there were the ones that were on the front of the  
16 building itself. And because I had chosen to park in the very  
17 last row of the parking lot that I was parked too far away for  
18 them to be able to clearly see who had hit my car. And so I  
19 ended up having to pay my own \$250 deductible to have my car  
20 fixed.

21 Q And in the course of these events, did you come to learn  
22 whether there are security cameras mounted on the light poles  
23 in the BHM1 parking lot?

24 A Yes. There are not.

25 Q Okay. Do you know if there are any security cameras at

1 BHM1 that could see inside the tent at that mailbox?

2 A No, the sides of the tent were all the way down and they  
3 reached to the -- to the bottom of the -- to where the ground  
4 was. And they were not transparent.

5 Q And did Amazon ever say or do anything to indicate that  
6 the company was monitoring to see who was using that mailbox  
7 inside the tent?

8 A No.

9 Q Thank you, Ms. Hoag. I don't think I have any more  
10 questions for you at this time.

11 MS. MILLER: You're muted, Ms. Meyers.

12 HEARING OFFICER MEYERS: Thank you. And so I have a few  
13 questions just before we go on to the Union so that they don't  
14 have to come back and follow up on my question. You mentioned  
15 that people had home visits. Did -- did you have a home visit?

16 THE WITNESS: No, ma'am. I did not.

17 HEARING OFFICER MEYERS: Okay. And you mentioned that  
18 people were worried that because of these home visits, that  
19 they're -- what were they worried about exactly?

20 THE WITNESS: We were -- all of us were worried that, I  
21 mean, if they could come to our -- if they could come to the  
22 houses and talk to people, they could very easily drive by our  
23 house and take our -- I mean, the ballots were in a very  
24 recognizable envelope. It wasn't just like an everyday  
25 envelope that you would -- be easily overlooked. I mean, they

1       were, you know, very distinctive. And so all anybody had to do  
2       was open up your mailbox and see if your ballot was in there  
3       and take it out at night.

4               HEARING OFFICER MEYERS: So what -- what -- was there  
5       something that caused you to worry that somebody would take the  
6       ballots other than the home visits?

7               THE WITNESS: I mean, it was -- it was just kind of, I  
8       guess you would say, at -- at that point things were getting,  
9       you know, kind of heated. And it -- there were a lot of us  
10      that could not even believe that people came to our homes. And  
11      I mean, it was just a bit surreal. You know, I mean, we got  
12      the phone calls. We got the text messages. You know, that was  
13      one thing, but when people started getting home visits, it  
14      started kind of getting a little bit scary.

15              HEARING OFFICER MEYERS: Well, Ms. Hoag, did the company  
16      tell you that they had -- due to the National Labor Relations  
17      Act, given the addresses to the Union?

18              THE WITNESS: Yes.

19              HEARING OFFICER MEYERS: So again --

20              THE WITNESS: I did know that.

21              HEARING OFFICER MEYERS: -- did you under -- okay. Did  
22      you understand that these home visits were legal?

23              THE WITNESS: Oh, I mean, I -- I -- I understand that.  
24      But still, I mean -- I mean, that -- that -- to me, that's  
25      personal space. And I mean, we had -- I had signs, you know,

1 saying the ones that were the -- you know, vote yes at the --  
2 located at the entrance to my neighborhood. I mean, I -- I --  
3 I couldn't leave work at work. I had to, you know, when I left  
4 work, I -- I had to see it everywhere. And it was just a bit  
5 invasive.

6 HEARING OFFICER MEYERS: Are there other employees that  
7 live in your neighborhood?

8 THE WITNESS: I honestly, I could not tell you. I -- I  
9 don't know for certain. With as many employees as we have and  
10 as many different shifts, I don't know.

11 HEARING OFFICER MEYERS: And who did -- who did you tell  
12 that you were worried that somebody from the Union might come  
13 along and take your ballot at night?

14 THE WITNESS: There were coworkers that I -- because we  
15 would you know, kind of, all discuss it. And one person in  
16 particular, which is partly why I think it might have been part  
17 of my responsibility or not my responsibility, but my fault.  
18 One of the people I was working with during all this is Nicki  
19 (phonetic throughout) Forman, who is a PR representative for  
20 Amazon. And I had expressed that -- that fear, my personal  
21 fear to her.

22 HEARING OFFICER MEYERS: When you say a PR representative,  
23 or -- is the same PR representatives that was doing the, what  
24 we call captive audience meetings, the meetings with employees?

25 THE WITNESS: No, no, ma'am.



1 HEARING OFFICER MEYERS: No?

2 THE WITNESS: Nicki was the person who -- well, I don't  
3 know if she is the person, but she handled -- she set up --  
4 there were four employees, myself and three others, that did  
5 what is called a media roundtable. They were approached by  
6 several different news media outlets wanting to get, I guess  
7 you would say, Amazon -- pro-Amazon not wanting to be Union  
8 voices. And they wanted to get their side of the story. And  
9 Nicki was the person for the company who arranged that and put  
10 all the news sources together. And it was like an hour-and-a-  
11 half interview. And there were four of us. And we were each  
12 in a different -- different office. And they kind of did this  
13 thing where the reporters got to chime in and ask us different  
14 questions.

15 HEARING OFFICER MEYERS: Okay. Do you know whether --  
16 whether Nicki works for Amazon or does she work for another  
17 company?

18 THE WITNESS: No, she works for Amazon. She's based out  
19 of Atlanta.

20 HEARING OFFICER MEYERS: Okay. And you -- you mentioned  
21 that the -- the PR people that conducted the meeting, do you  
22 know whether those were PR people that worked for the company?

23 THE WITNESS: As far as I know. I mean, I never asked to  
24 see their badge or anything like that to be able to prove  
25 anything, so. But as far as I know.

1 HEARING OFFICER MEYERS: Mr. Scroggins asked you  
2 specifically about whether managers had asked you about your  
3 ballot. Do you remember whether any of the PR people asked you  
4 about your ballot?

5 THE WITNESS: As a -- so one of the people who led the  
6 meetings, before he did PR for the company, he worked in ICQA.  
7 And I work in ICQA. And so when the meetings weren't being  
8 conducted, he would come over to ICQA and he would volunteer  
9 and help, you know, get things done. And I started up a  
10 conversation with him. And he had asked if I had -- at that --  
11 during that conversation, he had asked if I had received my  
12 ballot.

13 HEARING OFFICER MEYERS: And -- I'm sorry. Can you tell  
14 me who this person is?

15 A I don't remember his name. I really wish I had gotten it,  
16 but. I -- I can perfectly describe him to you. He's right  
17 about six foot tall, slim, whitish-brownish-blond hair. I  
18 would say mid to late 40s. I -- for the life of me, can't  
19 remember his name. But I did see him again about a week ago  
20 because he came in to do something. I don't -- honestly, I  
21 don't know what. But I was in the process of walking out of  
22 the main office when he walked in. And so I -- I got to see  
23 him about a week ago.

24 HEARING OFFICER MEYERS: You -- you mentioned that he  
25 worked in the same area as you. Did he work there at the same

1 time that you did?

2 THE WITNESS: No, no, no. That's what he did before he  
3 did PR for the company. Like, he had been with Amazon, I can't  
4 remember how many years he said. But before he had gone into  
5 the realm of PR for the company, he had you know, worked his  
6 way up. And he -- part of where -- the area he had worked in  
7 in a different facility was ICQA. And that's where I work now.

8 HEARING OFFICER MEYERS: Okay. So the only reason you  
9 know or believe that he worked for the company before was what  
10 he told you?

11 THE WITNESS: Right. And -- well, yeah, that and, like,  
12 he would come in and he would volunteer and -- and help do  
13 tasks and stuff, you know, during the downtime.

14 HEARING OFFICER MEYERS: Do you remember what he said to  
15 you about your ballot?

16 THE WITNESS: He -- all he said -- all he did was ask if I  
17 had received it. And I know they had a gentleman that walked  
18 around that could, like, answer questions about how to get in  
19 touch with the National Labor Relations Board if we didn't  
20 receive a ballot.

21 HEARING OFFICER MEYERS: And was that a -- the same  
22 gentleman or a different gentleman?

23 THE WITNESS: That was a different gentleman.

24 HEARING OFFICER MEYERS: And these people, the gentleman  
25 that was walking around giving instructions about how to get in

1 touch with the NLRB, do you know, did he have any documents  
2 with him? Was he writing anything down?

3 THE WITNESS: No, ma'am. He had -- so the reason I --  
4 I -- I know who he was and what he did, one of the -- I must  
5 say kid, but he's not a kid because he's in his early 20s --  
6 but I have a child older than him, so I'm going to say kid --  
7 that works in ICQA. His -- both his parents and his in-laws  
8 are -- live on my street and in my neighborhood.

9 And that past weekend his in-laws had expressed, you know,  
10 that he had gotten his ballot. And once he got it, he, you  
11 know, started asking other people in our group of adults that  
12 had, you know, experience with a Union, you know, what their  
13 experiences were with unions and things of that nature.

14 And then, you know, he had -- it had -- you know, it took  
15 about -- according to what -- and I don't know the exact  
16 because this wasn't out of his mouth. But he said that, you  
17 know, Braden (phonetic throughout) had taken about a week to,  
18 you know, get all the information together. And that when he  
19 had went to, you know, to cast his vote and mail it off, he  
20 figured out that his mom had accidentally thrown his ballot  
21 away. And so he, you know, didn't have a ballot to be able to  
22 vote. And I knew that that's what the other gentleman, you  
23 know, was specifically doing, was, you know, giving people  
24 information to be able to get in touch with the Nat- --  
25 National Labor Relations Board to be able to order a ballot if

1 they didn't receive it.

2 And what's funny is right as I was talking to Braden,  
3 he -- it was like, he walked up. And I was, like, ooh, stop.  
4 And he kind of looked at me because I -- I can imagine I look  
5 kind of silly. I said, come here. And I was, like, this is  
6 Braden. And his mom accidentally threw his ballot away. And  
7 he looked into his bag, and he pulled out a card that had you  
8 know, National Labor Relations Board. It had a phone number  
9 for them, and I believe a website. And he said, you can  
10 contact them and tell them, you know, that your ballot was  
11 lost. And they will send you another one.

12 HEARING OFFICER MEYERS: Okay. All right. Thank you. I  
13 appreciate it. I'm going to turn this over to Mr. Davies.

14 Mr. Davies, how much time do you need to prepare for  
15 cross-examination?

16 MR. DAVIES: At least 20 minutes.

17 HEARING OFFICER MEYERS: All right. Let's go until 2:45,  
18 1:45 Central Time. Ms. Hoag --

19 THE WITNESS: Yes, ma'am.

20 HEARING OFFICER MEYERS: -- the Union's going to have some  
21 questions for you. But you can turn off the camera and turn  
22 off the microphone. Just be back by 2:4- or by 1:45. Okay?

23 THE WITNESS: Yes, ma'am.

24 HEARING OFFICER MEYERS: All right.

25 THE WITNESS: Thank you.

1 HEARING OFFICER MEYERS: Thank you. We'll be off the  
2 record in recess until 1:45 Central Time, 2:45 Eastern.  
3 (Off the record at 1:22 p.m.)

4 HEARING OFFICER MEYERS: Just a reminder, Ms. Hoag, you're  
5 still under oath.

6 Mr. Davies, do you have any questions for this witness?

7 MR. DAVIES: Yes, I do, Madam Hearing Officer.

8 HEARING OFFICER MEYERS: Please proceed.

9 **CROSS-EXAMINATION**

10 Q BY MR. DAVIES: Good afternoon, Ms. Hoag. My name is  
11 George Davies. I'm one of the attorneys for the Union in this  
12 matter. I have some questions for you. And my partner,  
13 Richard Rouco may also have some questions.

14 A Okay.

15 Q So these captive audience meetings that you went to, you  
16 said that you went to five or six meetings?

17 A Yes, sir.

18 Q And you said when you came back from Iowa that you  
19 attended two meetings each week in the first couple of weeks  
20 you came back; is that --

21 A I -- just like the first two weeks, because I had missed  
22 the first two weeks of meetings.

23 Q Okay. So you kind of doubled up those first couple of  
24 weeks you were back?

25 A Yes, sir.

1 Q Okay. And then after that, you attended how many meetings  
2 per week?

3 A One.

4 Q And you said that a public relations person from Amazon  
5 conducted the meeting?

6 A Yes, sir.

7 Q How did you know they were a public relations person?

8 A I specifically remember the -- I -- I don't remember if  
9 it -- if it was the first or second meeting, but it was one of  
10 the first two meetings, there was a dark-haired, younger  
11 gentleman, and that's what he said he did.

12 Q And he was leading the meeting?

13 A Yes, sir.

14 Q And were there any employee relations persons from Amazon  
15 in the meeting?

16 A Oh, I don't -- I don't know. I don't -- wouldn't know who  
17 everybody from employee relations was.

18 Q Well, did they have different badges or -- or  
19 paraphernalia --

20 A A what?

21 Q -- that they wore?

22 A I didn't get close enough to anybody. The badges aren't  
23 very big. I didn't get close enough to anybody to be able  
24 to -- to see their badge. It wasn't anybody that I had ever  
25 seen before at the facility.

1 Q Did -- did any consultants -- well, first, let me ask you  
2 this. Did you know whether or not Amazon had retained  
3 consultants to assist them during the Union campaign?

4 A No.

5 Q Out -- outside of just regular Amazon employees.

6 A No.

7 Q You never spoke to any person who identified themselves as  
8 a consultant for Amazon working in the campaign?

9 A Not that I know. I mean, but of course, I didn't talk to  
10 everybody.

11 Q Okay. So during these -- these meetings, you testified  
12 that no one said that there would be any layoffs. Do you  
13 remember that testimony?

14 A Oh, most definitely.

15 Q Now, you said that during these meetings, they also said  
16 everything was up for negotiation; you recall --

17 A Yeah, that --

18 Q -- that?

19 A Yes, sir.

20 Q And so did they say that you would start from scratch?

21 A No.

22 Q Okay. Well, how do they pose it when they talked about  
23 negotiations? Did they say that --

24 A From that -- that point forward everything would be up for  
25 negotiation.



1 Q I think -- did they tell you you could lose benefits  
2 during bargaining?

3 A No.

4 Q Okay. Now, you said there was -- that you asked the  
5 question about paying dues; do you recall that?

6 A Yes, I did.

7 Q Okay. And you said that you were familiar with the PRO  
8 Act and that you had asked a question about whether or not you  
9 would have to pay dues of the PRO Act passed; do you recall  
10 that?

11 A Right.

12 Q That you asked a question about that?

13 A Yes. I -- yes, I recall that.

14 Q Now, did the person leading the meeting say that you would  
15 have to pay dues if the PRO Act passed?

16 A He -- I asked if the PRO Act passed and became enacted  
17 into law, if we would be -- if -- I asked that, if we would be  
18 required to pay dues. And I was -- he answered with me -- he  
19 answered me with a yes. That's all he said.

20 Q Now -- now, as a -- do you issue technically, what is a  
21 form of discipline as a process assistant?

22 MR. SCROGGINS: Objection.

23 A No, sir.

24 MR. SCROGGINS: Objection. Relevance. The Union has  
25 already stipulated that PAs were eligible voters. This has

1 already been an issue handled in this hearing. So there --  
2 this issue has no relevance in this particular proceeding.

3 HEARING OFFICER MEYERS: Mr. Davies, what is the  
4 relevance?

5 MR. DAVIES: Well, the relevance, first of all, she  
6 testified she was a process assistant. And it -- it goes to  
7 what she does as a process assistant. And the fact is the  
8 Union challenged the process assistants during the vote count  
9 as supervisors. Whether we stipulated to them in -- in the --  
10 in the pre-election process is -- is not relevant here. It's  
11 relevant to what she does and whether or not she has  
12 represented to others and to the public of her potential  
13 disciplinary authority. And it -- it's relevant to what she  
14 has to say here in this -- in this proceeding, this post-  
15 election proceeding.

16 HEARING OFFICER MEYERS: How is it relevant to what she  
17 has to say here in this proceeding?

18 MR. DAVIES: Well, it's relevant because if she is a  
19 supervisor, then much of what she has to say is -- is -- is  
20 essentially not relevant to the objection. She is basically a  
21 company witness now trying to pose as a Union -- excuse me, as  
22 a rank-and-file employee.

23 HEARING OFFICER MEYERS: Well, Mr. Scoggins, statutory  
24 exclusions are always whether the Court -- you -- you are  
25 familiar with that case law? Are you --

1 MR. SCROGGINS: I am --

2 HEARING OFFICER MEYERS: -- yes?

3 MR. SCROGGINS: I am, Madam Hearing Officer. But this is  
4 not a challenge hearing. This is -- we're not challenging --  
5 the Union is not challenging Ms. Hoag's status as an eligible  
6 voter. That's a different proceeding. This matter is not  
7 subject to an objection that's been -- that's being litigated  
8 in this particular hearing, in -- in the inquiries about, you  
9 know, what kind of disciplinary authority she has or does not  
10 have is -- is not a matter subject to these objections. It's  
11 not relevant in this hearing. And -- and all it's doing is  
12 prolonging these already pretty lengthy proceedings with things  
13 that don't really matter in this particular hearing.

14 MR. DAVIES: I think it also goes to the witness' --

15 HEARING OFFICER MEYERS: Mr. Scroggins, are --

16 MR. DAVIES: -- credibility.

17 HEARING OFFICER MEYERS: Mr. Scroggins, are you -- can you  
18 cite to me a case that says that -- that -- Board law that says  
19 statutory exclusions are always litigable, is only applicable  
20 to a -- to an objection to a challenge hearing?

21 MR. SCROGGINS: I believe the Caesars Tahoe case. And if  
22 we did it --

23 HEARING OFFICER MEYERS: It says --

24 MR. SCROGGINS: -- if we need --

25 HEARING OFFICER MEYERS: -- that's the only place?

1 MR. SCROGGINS: And if we -- and if we would ask for it --  
2 since you're asking for authority, we would ask for a five-  
3 minute break to provide you a specific citation to that  
4 particular Board case.

5 HEARING OFFICER MEYERS: I think it's relevant regardless.  
6 So I'm going to permit it. So I'm overruling your objection.  
7 Please, proceed.

8 Q BY MR. DAVIES: Ms. Hoag --

9 A Um-hum.

10 Q -- as part of your duties as a process assistant, is  
11 technically what you do is issue a form of discipline?

12 A No, sir.

13 Q That's not what you do?

14 A No.

15 MR. DAVIES: Madam Hearing Officer, we're going to need a  
16 short break to upload an exhibit that we need now based on  
17 Ms. Hoag's answer.

18 HEARING OFFICER MEYERS: Don't you have an associate who's  
19 also working on this case or is he not around to upload this.

20 MR. DAVIES: The only associate I have is my friend and  
21 colleague, Richard Rouco, who's working on the case. Sorry,  
22 don't have -- don't have the -- the number of folks that  
23 Employer counsel has. Hopefully, it'll only take us a couple  
24 of minutes.

25 HEARING OFFICER MEYERS: Well, I will give you no more

1     than five minutes. We will be in recess until 3 p.m. my time,  
2     2 p.m. Central Standard Time.

3             MR. DAVIES: Thank you.

4             HEARING OFFICER MEYERS: Again, Ms. Hoag, you -- you don't  
5     have to stay on video and -- and -- and microphone. You can  
6     turn those off. Just be back at 2:00 your time, okay?

7             THE WITNESS: Yes, ma'am.

8             HEARING OFFICER MEYERS: Thank you.

9     (Off the record at 1:56 p.m.)

10            HEARING OFFICER MEYERS: Mr. Davies, do you have any  
11     further questions?

12            MR. DAVIES: Yes, thank you.

13                               **RESUMED CROSS-EXAMINATION**

14     Q     BY MR. DAVIES: Ms. Hoag, did you ever say that  
15     technically what you do is a form of discipline?

16     A     You bet I did.

17     Q     You did?

18     A     Um-hum.

19     Q     And when did you say that?

20     A     Several interviews that I did.

21     Q     Several interviews?

22     A     Um-hum.

23     Q     Okay. So when do you recall -- do you recall saying it in  
24     a ABC 33/40 town hall meeting in which you participated?

25     A     I sure do.

1 Q Okay. And was that on March 3rd?

2 A I believe so.

3 Q Okay. And you said that Ms. Palmer -- excuse me, not Ms.  
4 Palmer, Ms. Forman had helped arrange for you to participate in  
5 that meeting?

6 A Correct.

7 Q Okay. Now, do you recall what your -- what you said  
8 during that regarding your -- what you do being a form of  
9 discipline?

10 MR. SCROGGINS: Madam Hearing Officer, the Employer asks  
11 for a standing objection as to this line of questioning  
12 regarding the, you know, ability to discipline and ultimately  
13 the supervisory status of Ms. Hoag. We'd like that noted on  
14 the record, please.

15 HEARING OFFICER MEYERS: You're continuing a line of  
16 objection is noted and overruled.

17 Please proceed, Mr. Davies.

18 Q BY MR. DAVIES: Do you recall saying that technically what  
19 you do is a form of discipline during that ABC 33/40 town hall  
20 meeting?

21 A I sure do.

22 Q Okay. And that when a Union comes in, any form of  
23 discipline whatsoever, you have the ability to have -- you have  
24 to have a Union person present. Do you recall saying that?

25 A I don't know if it was that exact wording, but I believe

1 that's right about what I said. Yes.

2 Q Okay. So then technically what you do is a form of  
3 discipline?

4 MR. SCROGGINS: Objection. Asked and answered.

5 HEARING OFFICER MEYERS: Overruled. You can -- you can  
6 answer the question, Ms. Hoag.

7 THE WITNESS: Okay. It can be used by area managers as a  
8 first point of contact in. And honestly, I -- I don't know  
9 what the -- the hierarchy is for -- for the -- the disciplinary  
10 action in Amazon because I've never been subject to it. But I  
11 do know -- so essentially, what I do is we monitor quality.  
12 And when we notice AAs, which stands for Amazon associate by  
13 the way, that are having difficulties or making errors, what I  
14 do is I kind of go in and deep dive and try to figure out if  
15 it's machine malfunction. And you know, we have to order a  
16 trouble ticket to have that, you know, machine fixed. If it  
17 was they were improperly trained. We -- we figure out what it  
18 is and then we write up what's called a dire audit (phonetic).  
19 Now, we -- me, myself, and I do not do anything with that. I  
20 just write it up and put it into the system. Another manager,  
21 it has to be an area manager, can -- if they notice that  
22 associate is having issues, they can look up, you know, what  
23 audits that AA has had in the past 30 days and see if that  
24 person has been coached or had any kind of retraining, so to  
25 speak, on that issue. And that can be used as a first step in

1 the process. But I, myself, like I said, I do not use it as  
2 discipline. I basically just record what I did and - and what  
3 my findings were.

4 MR. DAVIES: Madam Hearing Officer, can we ask the bailiff  
5 to pull up Union Exhibit Number 37?

6 HEARING OFFICER MEYERS: Madam Bailiff, can you put up  
7 Union Exhibit 37?

8 MR. DAVIES: I believe it's a video. If it can be played?

9 HEARING OFFICER MEYERS: Okay. Let me ask. Is -- what's  
10 the relevance of --

11 (Video played at 2:06 p.m., ending at 2:06 p.m.)

12 MR. DAVIES: The relevance is --

13 HEARING OFFICER MEYERS: Go ahead. It just -- it jumped  
14 forward enough. I mean, it just --

15 MR. DAVIES: Sure.

16 HEARING OFFICER MEYERS: -- started with --

17 MR. DAVIES: Thank you.

18 HEARING OFFICER MEYERS: -- somebody else. So I was -- I  
19 was confused.

20 MR. DAVIES: Sorry about that. Go ahead.

21 HEARING OFFICER MEYERS: All right. Go ahead and --

22 MR. DAVIES: Thank you.

23 HEARING OFFICER MEYERS: -- play that, please, Ms. --  
24 Madam Bailiff.

25 (Video played at 2:06 p.m., ending at 2:07 p.m.)



1 MR. DAVIES: Thank you.

2 Q BY MR. DAVIES: So that interview that you gave where you  
3 described what you do as technically being a form of discipline  
4 and that a Union rep would have to walk around with you all  
5 day. That -- what did you mean by having a Union rep walk  
6 around with you all day?

7 A Okay. Well, first of all, I mean, that was -- I -- when I  
8 gave that interview, I did not have any kind of knowledge as to  
9 the inter-workings of every form of how a Union works and  
10 everything, like, when it would come in. That interview was  
11 based before I had any thorough knowledge on -- I mean, what  
12 exactly happens when a Union comes in. I mean that -- I gave  
13 that opinion, like I said, before I had any full knowledge.  
14 And I mean, I -- I just explained exactly what I did. And  
15 obviously, I mean, I didn't have the opportunity to do that at  
16 that point. Have I answered the question you asked? Because  
17 right now --

18 Q We'll let the hearing officer --

19 A -- I can't remember.

20 Q -- we'll let the hearing officer decide. So did someone  
21 from Amazon tell you that you would need a Union official  
22 walking around with you all day?

23 A No. See, I have a cousin who lives in Chicago and has  
24 been a member of the Teamsters Union for my entire life. He's  
25 in his 60s. And he has extensive knowledge and as far as

1 working for the Union. And he was the person who told me that.  
2 But of course, he doesn't -- he knows it from a Teamsters point  
3 of view and doesn't really know it from an Amazon point of  
4 view. And I had learned after that particular interview  
5 that -- well, at least somebody -- they're -- please  
6 understand, I've talked to lots of different people. There are  
7 some people that have said I -- I was right. And there were  
8 some people that have told me that I wouldn't need somebody to  
9 be, you know, to walk around with me because, I personally, I  
10 don't discipline anybody.

11 Q So someone from Amazon telling you -- you were right?

12 A No.

13 Q Who was it that told you you were right?

14 A Oh, I -- I talked to several reporters. I think I did --  
15 I'll say I can't count, somewhere between , good Lord, seven,  
16 eight, nine, ten different interviews and I talked to reporters  
17 from all over the country.

18 Q So you told reporters from all over the country the same  
19 thing that you just said in this interview?

20 A Not exact -- I mean, I -- I did them all through the month  
21 of March. Some were phone interviews. Some were person  
22 interviews. Some were Zoom interviews like this one was. You  
23 know, it's just different people, different times. So like, I  
24 said different things. I honestly couldn't tell you exactly  
25 what I said in each one of them. I --

1 Q Thank you.

2 A -- don't have that great of a memory. I'm getting too  
3 old.

4 Q Okay. So you don't have that great of a memory. Okay.  
5 All right.

6 A No, I -- no. No. No, no. No. I don't have the ability  
7 to thoroughly recall the exact wording of every single  
8 interview that I did. That's what I meant.

9 Q So you said this at more than one interview, though?

10 A Oh, I couldn't honestly tell you if I worded it this way  
11 at more than one interview.

12 Q And so you don't know -- you gave about you said nine or  
13 ten interviews? You don't know who these interviews were to  
14 or -- you know, were they long Facebook Live streaming  
15 interviews like this or were they, you know, 30-second clips,  
16 what -- what were they?

17 A So the very first one I did was with a reporter for CNN.  
18 And it was on the phone, and she interviewed me for about an  
19 hour and a half. During that hour and a half interview, we  
20 talked about a little bit of everything. And then, she wrote a  
21 story. And in that story, it was easily seven-eighths anti-  
22 Amazon, you know, rhetoric. And then, at the very end I got --  
23 she quoted me saying three sentences of an hour-and-a-half  
24 interview.

25 The next person I talked to I believe was a reporter with



1 the Associated Press. I talked to him for 45 minutes, same  
2 thing. He wrote a nice big article that was all anti-Amazon.  
3 And at the very end, it was, I think, this time it was maybe  
4 four or five sentences of -- of what I said. And it -- the  
5 same, reiterated the same thing. And this one is one of the  
6 ones I did. I talked with NBC. I talked with ABC. I talked  
7 with CBS. I mean, you can probably very easily look them up.

8 Q I'm just asking you what ones you remember where you told  
9 the interviewer that you discipline people?

10 A I don't believe I -- that I recall, that I specifically  
11 said that I discipline people because I don't. I know I said  
12 technically what I do can be used as a form of discipline. But  
13 I mean, I explained exactly what I did to you.

14 Q Now, Ms. Forman, did she ask you to participate in this?

15 A No, I volunteered.

16 Q Well, how did you know that there was even going to be a  
17 town hall meeting? For -- for ABC 33- -- how did you know that  
18 ABC --

19 A No, see, this was -- this was not specifically for ABC.  
20 ABC just live streamed it as far as I know.

21 Q Okay.

22 A There -- if you look through the entirety of this  
23 interview, there are literally four, five, six, seven, eight  
24 different news media outlets that ask questions during the  
25 whole interview. And they were from different areas.

1 Q Okay. So how did you know that this Facebook Live event  
2 was going to occur? Did someone from Amazon tell you about it?

3 MR. SCROGGINS: Objection.

4 THE WITNESS: I don't remember.

5 MR. SCROGGINS: This is irrelevant to any of the  
6 objections that are in this hearing.

7 HEARING OFFICER MEYERS: Sorry. Mr. Davies, what's the  
8 relevance?

9 MR. DAVIES: Well, I'm -- I'm -- I'm trying to figure out,  
10 you know, where else she might have made the same statement  
11 and, you know, whether or not -- I'll -- I'll move on to the  
12 next -- next --

13 HEARING OFFICER MEYERS: Thank you.

14 MR. DAVIES: -- question.

15 HEARING OFFICER MEYERS: Objection sustained. Move on.

16 And Madam Bailiff, can we take down the video -- or  
17 Mr. Davies, do you need the video any longer?

18 MR. DAVIES: Not right now. But I would move Union 37  
19 into evidence.

20 HEARING OFFICER MEYERS: Mr. Scroggins, any objection?

21 MR. SCROGGINS: I have an objection as that is hearsay.  
22 It would appear the Union is trying to use an unsworn statement  
23 by -- that Ms. Hoag made outside the context of this hearing.  
24 She's not under oath. Not in an administrative or judicial  
25 proceeding. It was a television interview. And trying to

1 prove the matter of her being a supervisory status -- of her  
2 supervisor status based on this unsworn statement made outside  
3 the course of these proceedings. So, yes, the Employer objects  
4 to the admission of this evidence.

5 HEARING OFFICER MEYERS: No, I don't believe he's trying  
6 to prove the supervisory status because that's not an issue in  
7 this hearing. I'm going to overrule your objection.

8 I am admitting Union's 37.

9 **(Union Exhibit Number 37 Received into Evidence)**

10 Q BY MR. DAVIES: Ms. Hoag, you said that you helped an  
11 employee named Brandon (sic throughout) get a --

12 A No. Not Brandon, Braden.

13 Q Braden. Thank you. Appreciate that. Braden, get a  
14 duplicate ballot because his mother had thrown his away?

15 A No, I never said that.

16 Q Then what did --

17 A I said -- I -- I said I got him in touch with the  
18 gentleman who had the information on how he could contact the  
19 National Labor Relations Board so that he himself -- to get a  
20 replacement ballot.

21 Q Okay. So you -- if I recall your testimony was that you  
22 were talking with Braden, and that you saw an individual  
23 walking by that you knew had information regarding how to  
24 obtain a duplicate ballot; is that what you recall?

25 A I believe. I mean, I --

1 Q Okay.

2 A -- couldn't speak to -- if it -- if that's exactly how I  
3 worded it, but --

4 Q Well, so how did you know that Braden had -- or that  
5 Braden's mother had mistakenly thrown away his ballot?

6 A So Braden's girlfriend's parents live on the same road  
7 that I live on. Same neighborhood. We were at that -- their  
8 house that past weekend, and his -- they're boyfriend-  
9 girlfriend, so I'm just going to refer to him as father-in-law,  
10 because that would be the position, if they end up getting  
11 married -- was talking to me about it because our group of  
12 friends all, you know, had seen interviews I had done, and they  
13 knew what my stance was.

14 And he was just making conversation, saying that he was  
15 really proud of Braden, that, you know, he had taken the  
16 initiative, that once he got his ballot, you know, instead of  
17 making a decision right away, he kind of did his own research,  
18 and he talked to other members of our group of friends who have  
19 personal experience with unions and got their opinions and  
20 everything before he was ready to make his own opinion. And  
21 when he went to vote, he couldn't find his ballot and found out  
22 that his mother had thrown it away accidentally.

23 And this is -- you know, this is who -- he is who told me  
24 that. And then the following -- I don't know if it was a  
25 Monday, Tuesday, but it was towards the Sunday, towards the

1 beginning of the week, I was at ICQA desk when Braden walked up  
2 and was talking to him. Just, I always catch up whenever I see  
3 him.

4 And I -- you know, I -- I was talking to him about how his  
5 father-in-law had, you know, told me about his mom accidentally  
6 throwing his ballot away, and we were laughing about it. And I  
7 was like, I -- you know, I know you can get -- you've got to be  
8 able to replace your ballot. I'm almost 100 percent sure you  
9 can.

10 And right about that time is when the gentleman who was  
11 walking by, and I stopped him and called him over, and I'm --  
12 like I said, it was this weird face because it was -- and so he  
13 kind of laughed and he came over. And I had told him that, you  
14 know, Braden had lost his ballot, and I knew he had the  
15 information for Braden to be able to get in touch with the  
16 National Labor Relations Board.

17 And the guy got -- like I said, he got a --a card out of  
18 his backpack and gave it to Braden, and it's -- had the  
19 National Labor Relations Board, it had their phone number and  
20 their email address on it. And he said he could call and order  
21 a replacement ballot.

22 Q So who was this gentleman that you called over when you  
23 were speaking to Braden at work?

24 A I don't remember this gentleman's name. It was probably  
25 about six-two, six-three", younger, black gentleman, dark skin,



1 fairly slim. But I'm horrible with first names, so --

2 Q Was -- did he work for Amazon?

3 A Honest, I think so, but honestly, I don't know if he did  
4 or not.

5 Q Okay.

6 A I know he -- I know he was there to answer questions on  
7 how to get in touch with the National Labor Relations Board.  
8 Like if people had questions.

9 Q How -- how did you know that he was there to answer  
10 questions about how to get in touch with the National Labor  
11 Relations Board if people had questions?

12 A I can't remember if somebody told me or if it was when I  
13 spoke to him myself. I don't meet a stranger. I have no  
14 problem talking to anybody. So if I see a face that's not  
15 familiar, I almost immediately introduce myself and start a  
16 conversation. It's just how I am. So I -- I can't remember if  
17 it's -- that's the way I learned, or if someone told me.

18 Q Okay. But you saw him walking around the plant?

19 A Right. He just -- right. And at that point, he just  
20 happened to be walking down by ICQA.

21 Q But at other times, you saw him walking around the plant  
22 with his backpack?

23 A Uh-huh.

24 Q Talking to employees?

25 A I -- I would think so, but honestly, I don't -- I don't

1 think I remember seeing him personally talking to anybody  
2 specifically.

3 Q But he wasn't a manager?

4 A He got -- no.

5 Q He wasn't a manager or a supervisor?

6 A No, sir.

7 Q Was he --

8 A But he wasn't from -- he wasn't from BHM1. And I haven't  
9 seen him since.

10 Q All right.

11 MR. DAVIES: Madam Hearing Officer, I think that's all I  
12 have for Ms. Hoag, but I think my partner, Mr. Rouco, has some  
13 questions.

14 HEARING OFFICER MEYERS: I have one follow-up question.  
15 Ms. Hoag, you say that you've never saw the man with the  
16 backpack talking to employees. How did you know that he had --  
17 you said there was, like, sample, or there were ballots that  
18 he -- to show people, like, how to fill them out?

19 THE WITNESS: No, not -- not ballots. He had -- like I  
20 said, I can't remember how I learned exactly what he did. I  
21 can't remember if it was from my personal interaction with him  
22 or if somebody had told me. But -- and I've never saw him with  
23 a ballot. But it was -- it was -- just looked like a little  
24 business card, and all it had on it was National Labor  
25 Relations Board. It had a phone number, and then it had, like

1 an email website, if what -- is all that the card had on it.

2 HEARING OFFICER MEYERS: But I -- I guess my questions if  
3 you -- if you've never saw him talking to an employee, and he  
4 never talked to you about your ballot, how did you know that he  
5 could help people get in touch with the NLRB?

6 THE WITNESS: Right. Well -- well, that -- that's what I  
7 said is I'm not -- I know I know, but I can't remember if it's  
8 what he told me when I introduced myself to him or if somebody,  
9 you know, some other coworker or something had said something  
10 that that's what he did. So I honestly, with 100 percent  
11 reliability, couldn't tell you if it was from my personal  
12 interaction with him or if it was from a coworker.

13 HEARING OFFICER MEYERS: Okay. Mr. Davies, did you have a  
14 follow-up question for that?

15 MR. DAVIES: No, Madam Hearing Officer.

16 HEARING OFFICER MEYERS: Okay. Mr. Rouco.

17 MR. ROUCO: Yes. Thank you.

18 **CROSS-EXAMINATION**

19 Q BY MR. ROUCO: Ms. Hoag, in addition to the individual you  
20 just testified to that was walking around, just providing  
21 assistance to employees who may have issues with their ballots,  
22 would the -- did you observe other individuals in the warehouse  
23 that were doing the same thing?

24 A Not that I know of.

25 Q So you don't recall now -- you don't recall whether there



1 were individuals who identified themselves as employee  
2 relation's personnel, walking around, offering assistance to  
3 employees with respect to their mail ballots?

4 A With respect to the ballots, no. Not -- not -- not that I  
5 remember.

6 Q Not that you remember?

7 A No.

8 Q The -- these individuals that you saw walking around, did  
9 that happen after the mandatory meetings ended?

10 A No. Everything, as soon as the election started, like a  
11 day or two before, like, everything stopped. I mean, the --  
12 the meetings, the people, you know, everything stopped.

13 Q So is it your testimony -- I'm sorry. Is it your  
14 testimony that after the ballots were mailed out, there was  
15 nobody else walking around, asking to see if anyone had an  
16 issue with the ballot or how they could help address it?

17 MR. BRODERDORF: Objection. Mischaracterizes the prior  
18 testimony. That's not what she testified to.

19 HEARING OFFICER MEYERS: Okay. I'm going to sustain the  
20 objection. Can you rephrase it, Richard?

21 MR. ROUCO: Yeah. Well, I'm just trying to --

22 HEARING OFFICER MEYERS: Mr. Rouco.

23 MR. ROUCO: I'm sorry. I'm just trying to understand what  
24 she meant by everything stopped, right?

25 Q BY MR. ROUCO: You -- you testified that everything

1     stopped. Was that -- are you saying that the meetings stopped  
2     once the ballots were sent out? Okay.

3     A     Right.

4     Q     And -- but there were -- but did you observe one-on-one  
5     interactions between employee relations personnel and workers  
6     on the floor that you worked after the ballots went out?

7           MR. BRODERDORF: Objection. Asked and answered.

8           MR. ROUCO: I don't think I've asked that.

9           HEARING OFFICER MEYERS: Overruled. Overruled.

10          MR. ROUCO: He doesn't like the question, but --

11     Q     BY MR. ROUCO: So Ms. Hoag, did you observe individuals,  
12     after the mandatory meetings ended, okay, did you observe  
13     individuals walking to the stations of employees on your floor  
14     and having one-on-one conversations with them?

15     A     Let me think. Not -- not that I recall, but when I do my  
16     job, I'm kind of focused, hyper-focused on when I'm out on the  
17     floor trying to get done what I have to get done, so it  
18     wouldn't have been anything I would have paid attention to.

19     Q     Okay. And -- and your job requires -- you're not located  
20     in one particular station during your -- during your shift; is  
21     that right?

22     A     Not anywhere close.

23     Q     You get to roam the entire area that you're assigned?

24     A     Correct. I am mostly on the third floor, but I also pay  
25     attention to AFE1 (phonetic), which is on the first floor.

1 Q Okay. Now, you were asked questions about the mailbox.  
2 Okay. You witnessed the mailbox being -- did you witness the  
3 mailbox being installed?

4 A I did not see it during the process of it being installed,  
5 no.

6 Q Did you see it installed shortly after it was installed?

7 A I saw that it was there.

8 Q Did you see them put a tent up around the mailbox?

9 A I did not watch them erect the tent, no, but I noticed,  
10 obviously, that it -- it was around it, yes.

11 Q And did you notice that there was a -- there were banners  
12 on the side of the tent?

13 A I did not pay attention to them.

14 Q You didn't see any?

15 A Even if there was -- I knew the sides weren't -- like they  
16 weren't transparent. You couldn't see through them.

17 Q Yeah. But were there -- was there a banner on the side of  
18 the tent saying mail your ballot here?

19 A I have no idea. I didn't pay attention to that.

20 Q You didn't. And is it -- isn't it true that BHM  
21 leadership -- BHM1 leadership was sending out messages,  
22 informing employees that there was this mailbox installed out  
23 in front of the facility that they could use to mail their  
24 ballots?

25 A Not that I know of.

1 Q So you never heard any communications from anyone at BM --  
2 BHM leadership saying we've installed this mailbox, or the USPS  
3 has installed this mailbox out in front of the facility and  
4 it's there for you to deliver -- to use to deliver your mail  
5 ballots?

6 A I -- not that I know of.

7 Q So you don't recall seeing any communications either in  
8 the form of a text message, in the form of an email message,  
9 through the A to Z app, in the form of an acid screen message  
10 that told or informed employees that there was a mailbox  
11 installed out in front of the facility for the purposes of them  
12 mailing back their ballots if they chose to do that?

13 A I don't remember.

14 Q Okay. Now, you -- you obviously were happy that the  
15 mailbox was installed, right? You thought it was a good idea?

16 A I 100 percent believe it was a good idea.

17 Q And you're aware that other employees also like the fact  
18 that the mailbox had been installed? Are you aware of that?

19 A Oh, yeah.

20 Q And -- and in fact, did other -- did other employees tell  
21 you that -- that they were using that mailbox?

22 A I don't know if I had anybody directly tell me that they  
23 used it themselves, but I do know that I had people express to  
24 me they were happy it was there.

25 Q And did anyone -- did anyone connected with management



1 tell you that employees were using that mailbox?

2 A No.

3 Q Okay. Did you encourage any of the employees that you  
4 worked with to use the mailbox?

5 A No, it's not my place.

6 Q Okay. Now, the -- the individuals that were -- that you  
7 testified to that were walking around -- well, actually, let me  
8 ask you this, did you -- did you get a Peccy pin that said I  
9 voted?

10 A What is a Peccy pin?

11 Q Okay. Maybe I'm misunderstanding what a Peccy pin is.  
12 It's that little pin with -- you know the little character that  
13 Amazon has?

14 A The little orange guy?

15 Q Yeah, it looks like a minion?

16 A I've got one on my vest that says I voted.

17 Q Okay. You got one on your vest that says I voted.

18 A Uh-huh.

19 Q Was that -- that was given to you by one of the employee  
20 relations --

21 A No. I got mine from another coworker --

22 Q Okay.

23 A -- who had -- he had like two or three of them in his  
24 pocket.

25 Q Okay.





1 A I got mine from another coworker.

2 Q Do you know how that coworker had two or three in their  
3 pocket?

4 A He didn't tell me.

5 Q He didn't tell you. So did you observe any individuals  
6 walking around the facility and handing out the pins to  
7 employees at their work stations?

8 A I -- that wouldn't have been something I paid attention  
9 to. So I -- I don't know.

10 Q Okay. At the -- at the mandatory meetings that you  
11 attended, were -- were there, like, hang tags that you could  
12 put on your rearview mirror saying vote no? Do you remember  
13 those?

14 A Oh, I remember the tags, and I wish I could figure out  
15 where they came from because I really wanted one, but nobody  
16 could ever tell me where they were, so I couldn't get one to  
17 put in my car. But I -- I don't remember where they came from.  
18 I know people had them because I saw them, and I kept trying to  
19 figure out where they came from because I wanted one, but I  
20 never was able to get one.

21 Q And you didn't -- you didn't observe them at the meeting?  
22 The mandatory meetings that you attended?

23 A Not that I know of.

24 Q Not that you know of. Okay. It's not something that you  
25 really paid attention to at those meetings? Is that it?

1 A I don't know. I -- I don't recall them being given out  
2 at -- at a meeting.

3 Q Okay. Did you see any employees bring their ballots to  
4 work?

5 A No.

6 Q You didn't -- you didn't -- you didn't -- you --

7 A Not personally.

8 Q You did not personally witness that; is that right?

9 A No, not at all.

10 MR. ROUCO: Okay. I have nothing further. Thank you.

11 HEARING OFFICER MEYERS: Any redirect, Mr. Scroggins?

12 MR. SCROGGINS: May I have ten minutes to confer with  
13 counsel?

14 HEARING OFFICER MEYERS: You may. We will be in recess  
15 until 3:45 my time, 2:45 y'all's time.

16 MR. SCROGGINS: Thank you.

17 HEARING OFFICER MEYERS: Again, Ms. Hoag, you can turn off  
18 your mic -- your microphone and -- and your camera, and just be  
19 back at 2:45 your time.

20 THE WITNESS: Yes, ma'am.

21 HEARING OFFICER MEYERS: Thank you.

22 THE WITNESS: Thank you.

23 (Off the record at 2:35 p.m.)

24 HEARING OFFICER MEYERS: Mr. Scroggins, do you have any  
25 redirect for this witness?

1 MR. SCROGGINS: Just a few brief questions, Madam Hearing  
2 Officer.

3 **REDIRECT EXAMINATION**

4 Q BY MR. SCROGGINS: Ms. Hoag, as a process assistant there  
5 at BHM1, do you have the ability or authority to issue  
6 disciplinary action on your own to any employee there?

7 A Not that I know of. Not that I know how.

8 Q Well, have you ever done that on your own, issued a  
9 disciplinary action?

10 A No, sir.

11 Q And at BHM1, do area managers ultimately issue any  
12 disciplinary action to employees?

13 A As far as I know, I've never received any myself.

14 Q Okay. And you testified earlier that you were in some of  
15 these small group meetings where as -- where other employees  
16 were there. Were you paying attention to what the speakers  
17 were saying in those meetings?

18 A Oh, yeah.

19 MR. SCROGGINS: Madam Hearing Officer, would you ask the  
20 bailiff to display Employer's Exhibit Number 84 to the  
21 witnesses, please?

22 HEARING OFFICER MEYERS: Madam Bailiff, can you please put  
23 up Employer's 84? She may be doing something. Oh, there we  
24 go.

25 MR. SCROGGINS: Can you zoom on -- in on that just a

1 little bit, please?

2 Q BY MR. SCROGGINS: Ms. Hoag, if I recall correctly, and  
3 correct me if I'm wrong, you testified a little bit earlier,  
4 under cross-examination, that there was a -- a gentleman that  
5 you saw --

6 A Uh-huh.

7 Q -- handing out slips of paper, pieces of paper to  
8 employees. Did I hear you correctly? Is that correct?

9 A Yeah. Uh-huh.

10 Q All right. This Employer's Exhibit 84 that's already been  
11 received in evidence, is this the document that you saw being  
12 handed out?

13 A That's what it had on it.

14 Q Is this the document that you recall being handed out?

15 MR. DAVIES: Objection. Asked and answered.

16 HEARING OFFICER MEYERS: Sustained.

17 MR. SCROGGINS: I don't have anything further for Ms. Hoag  
18 at this time.

19 HEARING OFFICER MEYERS: Any cross-exam? Recross?

20 MR. DAVIES: Let me confer quickly with Mr. Rouco.

21 HEARING OFFICER MEYERS: It was two minutes of  
22 questioning, so I'll give you 30 seconds.

23 MR. DAVIES: We have nothing further. Thank you.

24 HEARING OFFICER MEYERS: All right. Ms. Hoag, thank you,  
25 you're excused, at least for today. It's possible that you'll

1 be recalled, but we will let you know. However, the rule of  
2 sequestration is in effect, and I'd ask that you not talk about  
3 the testimony here today with anybody. Thank you very much for  
4 coming in. We truly appreciate it. You have a nice afternoon.  
5 So you're released for the day.

6 THE WITNESS: Thank you.

7 HEARING OFFICER MEYERS: Thanks. All right. Bye-bye.

8 Mr. Scroggins, does the Employer have its next witness  
9 prepared?

10 MR. SCROGGINS: We do. Could we have five minutes to get  
11 the witness set up and ready to go?

12 HEARING OFFICER MEYERS: All right. I will give you until  
13 2:55 to have your next witness available.

14 MR. SCROGGINS: Thank you.

15 HEARING OFFICER MEYERS: We will be in recess until 2:55.

16 MR. SCROGGINS: Thank you, Madam Hearing Officer.

17 (Off the record at 2:50 p.m.)

18 HEARING OFFICER MEYERS: Ms. Nixon, can you please  
19 identify yourself and your law firm for the record?

20 MS. NIXON: Yes, my name is Brooke Nixon, and I'm from  
21 Constangy, Brooks, Smith, and Prophete. I entered a notice of  
22 appearance the other day at the same time as Mr. Scroggins.

23 HEARING OFFICER MEYERS: And would you like to call your  
24 first witness?

25 MS. NIXON: Yes. The Employer would like to call Carla

1 Johnson.

2 HEARING OFFICER MEYERS: Ms. Johnson, can you raise your  
3 right hand, please?

4 Whereupon,

5 **CARLA JOHNSON**

6 having been duly sworn, was called as a witness herein and was  
7 examined and testified, telephonically as follows:

8 HEARING OFFICER MEYERS: Thank you, ma'am.

9 Your witness.

10 **DIRECT EXAMINATION**

11 Q BY MS. NIXON: Can you please state your name for us?

12 A Carla Johnson.

13 Q And Ms. Johnson, are you appearing here today pursuant to  
14 a subpoena?

15 A No.

16 Q And do you work at the Amazon fulfillment center known as  
17 BHM1?

18 A I do.

19 Q And what is your current title there, or position?

20 A I work in problem-solving. I'm a problem solver in AFE1.

21 Q Is that position considered a process assistant?

22 A It's not considered a process assistant.

23 Q How long have you worked at BHM1?

24 A I've been there for one year.

25 Q Were you employed by Amazon in any way prior to beginning



1 at BHM1?

2 A I was not.

3 THE COURT REPORTER: I'm sorry to interrupt. I apologize.

4 MS. NIXON: Yes.

5 THE COURT REPORTER: This is the court reporter. Does  
6 Mr. Rouco want to -- Rouco want to say something?

7 HEARING OFFICER MEYERS: Mr. Rouco, are you trying to say  
8 something on the record? We see your mouth moving, but you're  
9 on mute. I assumed you were talking to yourself. You're  
10 continuing to talk to yourself. If you want to talk to us, you  
11 need to take yourself off mute. Mumbling. Richard, you're  
12 still on mute. I do not have authority to send you a chat,  
13 Richard, and we can't hear a word you're saying.

14 MS. NIXON: Madam Hearing Officer, it's -- which  
15 attorney -- do we know which attorney is going to be taking  
16 care of this witness on behalf of the Union?

17 HEARING OFFICER MEYERS: I'm not sure, but right now, I  
18 can't hear anybody, so I'm going to have to resolve that before  
19 I can find that out.

20 Mr. Rouco, we still can't hear you.

21 THE COURT REPORTER: I no longer see him on camera.

22 HEARING OFFICER MEYERS: And I seem to be missing a lot of  
23 participants. Well, there we are.

24 Mr. Davies, is Mr. Rouco calling back in? You're on mute,  
25 too.

1 MR. DAVIES: I --I think he -- he was on a call. I  
2 don't -- I don't -- I don't believe he knew he had his video  
3 on.

4 HEARING OFFICER MEYERS: Camera on? Okay. All right.

5 MR. DAVIES: So that's why his --

6 HEARING OFFICER MEYERS: He'll just be --

7 MR. DAVIES: It seemed like he was speaking to us, but I  
8 don't think he was speaking to us.

9 HEARING OFFICER MEYERS: That -- I sort of got that -- the  
10 impression when he was pointing at me. All right. So I -- I  
11 take it this witness --

12 MR. ROUCO: I -- I apologize for that. I -- for some  
13 reason, I ended up muting all of my speakerphones, so -- yes.  
14 I will put myself on no video feed. Thanks.

15 HEARING OFFICER MEYERS: Excellent. Mr. Davies, will you  
16 be taking this witness?

17 MR. DAVIES: I -- yes.

18 HEARING OFFICER MEYERS: Good, okay. All right, and you  
19 can proceed, Ms. Nixon.

20 MS. NIXON: Thank you.

21 Q BY MS. NIXON: Ms. Johnson, when do you first recall  
22 becoming aware of the Union organizing drive at BHM1?

23 A I first became aware of it upon my return to work. I was  
24 on leave up until right before Thanksgiving. And so when I  
25 came back to work, two weeks before Thanksgiving, I noticed the



1 people, the union representatives, you know, at all of the  
2 entrances and exits of the -- of the parking lot. Because I --  
3 I was off for about three-and-a-half months, because shortly  
4 after that started at Amazon, I was diagnosed with brain  
5 cancer, so I was out for about three-and-a-half months to  
6 receive treatment and surgery.

7 Q Okay, and you said that you returned -- did you say around  
8 November?

9 A Um-hum. A couple of weeks before Thanksgiving.

10 Q Okay. And did you ever attend any meetings held by Amazon  
11 to discuss the union or the union organizing campaign there?

12 A I did.

13 Q How many meetings did -- did you attend?

14 A Maybe about four. I think it was about four different  
15 meetings.

16 Q Did you scan your Amazon badge before you went into the  
17 meeting?

18 A Upon going in, they do what they call labor tracking,  
19 where they scan your badge so that you don't get what's called  
20 time off task, so yes, it was scanned upon entering and leaving  
21 the meeting.

22 Q In your position as a problem solver at Amazon, is your  
23 bag scanned -- badge scanned on other occasions?

24 A It is. We -- problem solving is considered an indirect  
25 role, meaning I don't log into a certain workstation, it

1 depends on what role -- role I, you know, do that day. And so  
2 we're -- we're label tracked -- labor tracked because those  
3 are -- problem solving is considered an indirect role that's  
4 done daily.

5 Q Can you explain to me what you mean by labor tracked?

6 A It just means that management and everybody that, you  
7 know, like, the -- the process assistants, managers, they're  
8 able to know what role it is that I'm working in, in that -- in  
9 that day, so when they -- they code us according to what we're  
10 doing. Like in AFE1, someone is, you know, I'm doing what they  
11 call CPTs, someone does jackpot, someone packs out, you know,  
12 the -- cleans the walls or takes out the chutes, so it's  
13 according to, you know, what you do in the area for that day,  
14 and it -- it changes daily.

15 Q Is it common for associates at BHM1 to have their badge  
16 scanned throughout the day?

17 A It -- in the position that I've been in, in problem  
18 solving, it is.

19 Q How many people were at these meetings that you attended?

20 A There was no more than maybe 20, 25 people, due to social  
21 distancing guidelines.

22 Q Do you recall, other than the speaker that was at the  
23 front of the room, do you recall any other members of, you  
24 know, management such as a supervisor, who were present at the  
25 meetings?

1 A No, they walked us down to the meeting, you know, to show  
2 us where it was, but they -- they didn't come in.

3 Q And when you said they walked you down, what --

4 A Well, he -- I guess I should say he.

5 Q Okay.

6 A The manager, you know, that was in charge of the area at  
7 the time, you know, would take us down when it was time for the  
8 meeting, and go back, you know, upstairs or wherever he went,  
9 but he wasn't in the meeting with us.

10 Q Do you recall what topics were addressed during these  
11 meetings?

12 A In some of the meetings, as far as -- you want to know, as  
13 far as like, questions that were asked by the associates, or  
14 just topics discussed by the person that was running the  
15 meeting?

16 Q We can discuss both of them, so whichever one you'd like  
17 to start with.

18 A Well, topics that were discussed, you know, by the  
19 facilitator of the meeting, just simply explain to those that  
20 were, you know, the associates that were in the room that  
21 didn't know what a union was, or what the purpose of the union  
22 was, explained, you know, what a union was and how it worked.  
23 And you know, the opportunity was -- was given for anyone in  
24 the room that had questions pertaining to the union or you  
25 know, what the union -- how the union would benefit, you know,

1 the associates. Time was permitted for those questions to be  
2 asked.

3 Q When you say that someone, you know, the facilitator,  
4 explained how unions would work; what -- what did they say  
5 about that topic?

6 A What was pretty much said in the meeting, when explanation  
7 was -- was given that, you know, the purpose of a union was to  
8 speak on behalf of the associates, in order to help them obtain  
9 their things that they felt they deserved, that you know, they  
10 would -- they explained that they were there to negotiate on  
11 behalf of the associates at Amazon.

12 Q Okay. Go ahead.

13 A I was just going to say questions were asked, you know, in  
14 what way, and of course, you know, the -- discussed about --  
15 well, you know, purpose of the union was to possibly obtain  
16 better pay wages. I know myself personally, I posed the  
17 question, because I -- I'm a former educator, and once I left  
18 the classroom, I was traveling throughout the State of Alabama,  
19 doing like, ACT prep, college and career readiness, and of  
20 course, because of COVID, that kind of shut that down, which is  
21 how I ended up at Amazon. And like I stated earlier, two  
22 months after being there, I got a brain cancer diagnosis, so I  
23 know that I personally asked the question as far as the  
24 benefits, because I was there two months, and I got to work,  
25 and I had a seizure on the floor, and so I had surgery the next

1 day. So I worried about if the union came in, what changes  
2 would be made to -- to our health insurance, simply because of  
3 the things that, you know, I was faced with, my surgery,  
4 hospital stay was like over \$100,000. I did six weeks of -- of  
5 radiation, I did two rounds of chemo, and I also did a  
6 treatment called Optune. It's a device, where I have to -- I  
7 had to shave my head and that device is made, I think it's like  
8 \$21,000 monthly, and I paid \$10 for chemo pills, zero dollars  
9 for the Optune device. So it was a big concern of mine, you  
10 know, if any changes would be made, and how the negotiation  
11 process would take place because obviously health insurance is  
12 very important for me.

13 Q Do you recall what question that you asked about the  
14 benefits during those meetings?

15 A Like I said, because I'm an educator, I have experience  
16 with unions, and I know it's -- it's -- it's kind of like a  
17 give and take type of situation, where you know, if -- if the  
18 union wants a company to agree on one thing, it's a possibility  
19 that something may change -- have to change somewhere else, so  
20 you know, my -- like I said, one of my main concerns was how  
21 would it affect my health insurance, or what changes would be  
22 made to -- to my health insurance.

23 Q And when you asked that question, did the speaker, during  
24 the presentation, did they answer your question?

25 A Well, they basically -- I would say the answered it to the

1 best of their ability because, you know, I was told that it  
2 would depend on what the union brought to the table versus what  
3 the company would respond with, you know, and until the --  
4 the -- I guess the end result would have to be determined based  
5 on, you know, the negotiation.

6 Q Did anyone at Amazon, such as someone in management,  
7 someone in these meetings, HR department, the employee  
8 relations department, did anyone tell you that you would lose  
9 your benefits if the union won the election?

10 A No one told me that.

11 Q Did anyone at Amazon, including those people I just  
12 mentioned, management, HR, employee relations, did they ever  
13 tell you that your benefits would definitely change if the  
14 union were to be elected?

15 A No one told me that.

16 Q Do you recall, other than the things you've mentioned  
17 already, any other topics that were addressed at -- at these  
18 meetings, or any other information that you was -- that you  
19 were given?

20 A Let's see, I think, well, besides when the -- when the  
21 floor was open, you know, for questions, I remember question --  
22 a question being asked about what happened to, like, when I  
23 first started at Amazon, we were getting, like, an additional  
24 hazard pay due to COVID, but you know, we knew up front that it  
25 was good up until a certain date, so one asked, you know, what

1 happened to that, and it was explained that, you know, we get  
2 bonuses every so often and that took the place of hazard pay, I  
3 mean, because we knew it wasn't going to be a permanent thing.  
4 And let's see, what else. I'm trying to think of what else was  
5 asked in -- in the meeting. It wasn't just a whole lot of  
6 questions asked in the group.

7 Now, I mean, I understood someone in one of the meetings  
8 actually asked the question, you know, what was a union, and  
9 that was someone that was -- and I'm just going to, I don't  
10 know the age, but, you know, they were younger and maybe just  
11 starting out, you know, in the workforce, and, you know, they  
12 asked for an explanation. And the only other thing, like I  
13 said, you know, we just -- it was explained to us how we  
14 would -- well, how the union and company, you know, would  
15 negotiate things or, you know, which was that whatever was  
16 brought to -- to Amazon by the union, and that was -- that was  
17 pretty much it in the meetings that I attended.

18 Q Did a -- did a union representative ever call or text you?

19 A Yes, I got a phone call. I got a phone call and --  
20 because I was in the car, and I don't remember the -- the man's  
21 name, but he did introduce himself, and he told me he was with  
22 the union and, you know, he said well, can I count on you, for  
23 your vote yes, and so I asked him some questions, and he hung  
24 up on me. So I -- I wasn't able to get all of my questions,  
25 you know, directly answered by him, but he hung up.

1 Q Did you do any of your own research about the information  
2 that you received from Amazon or from the union?

3 A I did, from both. I -- I -- I went online and -- I mean,  
4 because people can tell you anything, people can show you  
5 anything, and I -- I just -- I did my own research because I'm  
6 just not -- like I said, completely obli- -- oblivious to  
7 what a union stands for or what their purpose is. So  
8 everything that I was told by both Amazon and union reps, I did  
9 my own research.

10 Q Other than your coworkers, were you ever approached by  
11 anyone while you were working on the floor, to ask about your  
12 ballot?

13 A I was only asked if I received a ballot.

14 Q How did you respond to that question?

15 A My response was yes, I received it on a Friday, filled it  
16 out, and dropped it back in the mail the same day.

17 Q Did the person who asked you this question, did they --  
18 and after your answer, did they ask you anything else?

19 A No.

20 Q Were you ever asked by anyone at Amazon, other than your  
21 coworkers, and that includes management, employee relations  
22 team members, HR members, whether you voted?

23 A I was not.

24 Q Were you ever asked how you voted by any of these people  
25 at Amazon, other than your coworkers, management, HR



1 department, ER department, or any consultants?

2 A No.

3 Q Do you recall a time when individuals from the HR  
4 department would come to associates on the floor and discuss  
5 anything; has that ever occurred?

6 A It has.

7 Q And -- and when did that occur?

8 A It was shortly after I -- I first started. There were a  
9 couple of people from the HR team that were coming around and  
10 they were -- and this was, you know, before the union stuff  
11 started. But they would come around to engage and ask the  
12 associates for different ideas or suggestions of -- of how they  
13 could make the workplace, you know, more enjoyable, or  
14 different things that they could offer for the associates to  
15 boost the morale.

16 Q Did -- when they were walking around, did they have their  
17 laptops, or any notes, or anything with them?

18 A I want to say they had notes. I don't think it was a  
19 laptop, but I think they had, you know, notes, and they would  
20 just write them down, different suggestions, because I remember  
21 myself and a coworker, you know, talking about just different,  
22 like, prizes or things that associates would want to earn, you  
23 know, like extra PTO or -- or different things like that. And  
24 you know, depending on what the activity would be, what -- what  
25 we felt -- they asked what we felt would be -- what were things

1     that we would like to -- that would encourage or motivate us,  
2     you know, to try to earn these things, in addition, of course  
3     outside of what we're supposed to, you know, when we're working  
4     anyway, but that was -- that was pretty much it.

5     Q     And you said this began when you started, and I just want  
6     to confirm whether you're talking about when you first started  
7     in May, or when you returned in November?

8     A     When I -- this when I first started. This was before I  
9     left, you know, when -- before I got sick.

10           MS. NIXON: That's all of the questions I have for this  
11     witness, Madam Hearing Officer. I believe you're on mute.

12           HEARING OFFICER MEYERS: Mr. Davies. Mr. Davies, how much  
13     time do you need to prepare for cross-exam?

14           MR. DAVIES: Ten minutes.

15           HEARING OFFICER MEYERS: All right. We will be at recess  
16     until 4:30 my time, 3:30 your time.

17           Ms. Johnson, you can turn off your microphone and your  
18     camera, so you don't have to sit here in a fishbowl, but if you  
19     would be back by 3:30 your time, I'd appreciate it, and then  
20     the union attorneys are going to ask you some questions, okay?

21           THE WITNESS: Yes, ma'am.

22           HEARING OFFICER MEYERS: All right. Thanks so much.

23           THE WITNESS: Um-hum.

24           HEARING OFFICER MEYERS: And we are in recess until 3:30  
25     Central, 4:30 Eastern.

1 (Off the record at 3:18 p.m.)

2 HEARING OFFICER MEYERS: Mr. Davies, are you ready for  
3 cross examination?

4 MR. DAVIES: Yes, Madam Hearing Officer, thank you.

5 HEARING OFFICER MEYERS: All right. Please proceed.

6 **CROSS-EXAMINATION**

7 Q BY MR. DAVIES: Good afternoon, Ms. Johnson. My name is  
8 George Davies, and I'm one of the attorneys representing the  
9 Union. I'm glad you're feeling better.

10 A Thank you, me too.

11 Q And -- and God bless you, and hopefully your health will  
12 continue to improve.

13 A Thank you.

14 Q I have a few questions for you this afternoon. Now, you  
15 said that you attended four meetings during the course of the  
16 union campaign?

17 A Um-hum. Yes.

18 Q You have -- if you can answer audibly so the court  
19 reporter can take --

20 A I'm sorry, yes.

21 Q -- that's okay, I understand. Yeah, I -- it's -- it's  
22 hard. I get it. No problem. So you said you attended four  
23 meetings?

24 A Yes.

25 Q Okay. And were those four meetings spread out over four

1 weeks, or were they all in one week, or how were they spaced?

2 A They were not all in one week. I can't say that they were  
3 once every how -- you know, it was once, maybe every few weeks  
4 or so, but I -- I don't want to be quoted as saying okay, once  
5 a month, but it was somewhere around that time frame, like, one  
6 meeting a month or so, something like that.

7 Q Do you mean one meeting a week?

8 A I mean -- I mean a week, I'm sorry. I didn't mean a  
9 month, I'm sorry.

10 Q I -- I think I understood. So you said that when you --  
11 your area manager would walk you down to the room where the  
12 meetings is to be held --

13 A Um-hum.

14 Q -- and then they would depart, and as you entered the  
15 room, a human resource person would scan your badge?

16 A Yes.

17 Q Now, would that human resource person, would they stay in  
18 the meeting after the employees had entered and that person had  
19 scanned the badges?

20 A They were standing at the door, and once I sat down, I  
21 didn't look back. I don't know that they stayed in there or  
22 not.

23 Q Okay.

24 A But you know, our badges get scan -- any time -- well, I  
25 can -- I can speak for what I know of in building because I

1 haven't worked in every -- every position, but even, like, we  
2 have -- when we have what's called, like, wellness huddles  
3 where we go. Our badges get scanned in, and that's just a way  
4 of identifying one, you know, who's been to certain huddles,  
5 and two, just to keep track of -- and making sure everybody's,  
6 you know, where they're supposed to be or doing what they're  
7 supposed to do.

8 Q Now, was -- you said there was a person who was  
9 facilitating or, that's my word, but someone who was leading  
10 the meeting?

11 A Correct.

12 Q Was that person a -- an Amazon employee, do you know?

13 A It was a different person every time. I don't really  
14 remember names. I don't think it was someone that worked in  
15 our building, so I don't know if it was an Amazon employee or  
16 not. They -- they introduced themselves, but again, I -- I  
17 don't remember names, and I don't want to give, you know, names  
18 that are not accurate or -- or job titles.

19 Q Other than that person who was leading the meeting,  
20 were -- were there other Amazon employees who were not rank-  
21 and-file employees like yourself, but were either employee  
22 relations or human resources in the meeting?

23 A Not in those meetings. Not in the meetings that I  
24 attended, other than the human resource person that, you know,  
25 like I said, would scan our badge as we -- we came in.

1 Q So then it was just one person you recall being in the  
2 meeting --

3 A That I remember.

4 Q -- facilitating the meeting?

5 A We -- I was -- a human resource person, that was different  
6 from the person that actually facilitated the meeting. The --  
7 you know, the human resource -- human resource person that was  
8 in there was labor -- labor tracking and scanning badges.

9 Q Right. But other than the person scanning the badges and  
10 the person leading the meeting, were there any other Amazon  
11 employees from either management or employee relations in the  
12 meeting?

13 A No, not that I was aware of.

14 Q Okay. And this person leading the meeting; would they  
15 show a PowerPoint or a slideshow or?

16 A They did.

17 Q Okay. And other than showing the PowerPoint and the  
18 slideshow, was it pretty much like a free reel -- free-wheeling  
19 sort of open dialogue type meeting?

20 A Well, you know, the information was given from the  
21 PowerPoint, and then the floor was open for any questions that,  
22 you know, anyone may have had. And in those meetings, the ones  
23 that I attended, you know, there were a few questions, you  
24 know. Today it could've been no questions, the next meeting  
25 maybe one question, you know, the next one maybe two, it was

1 not just a -- an abundance of questions that was -- that were  
2 asked in those meetings that I was in.

3 Q So you don't recall the person leading the meeting reading  
4 a speech or anything like that?

5 A No, that -- I mean, they -- they went off, you know, the  
6 PowerPoint and just shared that information, but they didn't  
7 have, like, a written speech or anything typed up. But they  
8 just, you know, explained what was on the -- on the screen, on  
9 the projector.

10 Q So they didn't read from a script or anything like that?

11 A No.

12 Q No, they didn't read from a script?

13 A They did not read from a script; they just read from  
14 the -- the projector.

15 Q Okay. And did they hand out any literature during these  
16 meetings, or was any literature handed out?

17 A There -- there was, you know, like a handout that just had  
18 some of the same things that were on the -- on the PowerPoint  
19 or the slideshow, however you want to call it.

20 Q And were they being -- was that -- where was that  
21 literature? Was it --

22 A It was sitting in the chair when you came in the room.

23 Q Okay. What about, was there any other type of literature  
24 or, you know, pins, or swag, or anything like that that was  
25 being handed out at these meetings that you recall?

1 A Not at the -- not at the meetings. I got -- like I said,  
2 the paper that was in the chair, that was all that I saw.

3 Q Do you recall any, like, door hang -- rearview-mirror  
4 hangers being handed out at the meeting?

5 A If there was, I didn't get one. I don't -- I don't -- I  
6 didn't get one; I didn't see that.

7 Q Now, you said that -- or you testified that you had  
8 received your ballot and that someone came up to you while you  
9 were at work and asked you if you had received your ballot; do  
10 you recall that testimony?

11 A I do, um-hum.

12 Q And do you know who that person was?

13 A I don't know the name and I -- to be honest, you know,  
14 with the exception of the few people that are right in my  
15 immediate area, I -- faces are familiar, but I don't know  
16 because I -- I moved to, you know, a different area, so I'm not  
17 familiar with everybody by name.

18 Q Was it a male or a female?

19 A It was a male.

20 Q Was he white or African-American?

21 A He was a white -- white male.

22 Q Okay. Was he older, younger, middle age?

23 A Well, I'm middle aged, but -- maybe.

24 Q I -- I'm past middle aged at this point, so.

25 A I'm half -- I'm in denial about it, but.



1 Q Me, too. Me, too.

2 A I would say he was at least my age, maybe a little bit  
3 older, and I'm 45, so you know, somewhere 45 and up.

4 Q Did he give you a name or did he identify himself in any  
5 way?

6 A He did. I -- I just -- I don't remember his name.

7 Q And he asked you, you testified, whether or not you had  
8 voted; do you recall that?

9 A Um-hum.

10 Q Yes?

11 MS. NIXON: Objection. Objection. That was not in her  
12 testimony.

13 THE WITNESS: Well --

14 HEARING OFFICER MEYERS: Okay, what was -- what was the  
15 objection? Hold on just a second, Ms. Johnson.

16 What was your objection? I couldn't hear; everybody was  
17 talking at once.

18 MS. NIXON: Okay, so I was saying that mischaracterizes  
19 her testimony.

20 HEARING OFFICER MEYERS: I don't think it mischaracterizes  
21 her testimony. I'm going to allow it. Objection overruled.

22 Q BY MR. DAVIES: Can you answer the question, Ms. Johnson?

23 HEARING OFFICER MEYERS: Do you remember the question?

24 THE WITNESS: Okay, you asked me -- can you repeat it?  
25 I'm sorry.

1 Q BY MR. DAVIES: Did he ask you whether or not you had  
2 voted?

3 A I was asked if I received my ballot. And I said yes, I  
4 got my ballot. And I said, you know, that I filled it out and  
5 mailed it back the same day. I was never asked by anybody  
6 specifically how I voted or if I voted. I was just asked if I  
7 received my ballot.

8 Q And -- and you told him that you had received your ballot?

9 A I did.

10 Q And do you know if he wrote down whether, you know, made a  
11 notation on a -- on a --

12 A He didn't write anything down.

13 Q No?

14 A Unh-unh.

15 Q Did you tell him that you had voted?

16 A I did, I told him. I mean, it was no secret, but it was  
17 never discussed how I voted. I -- I -- what I said that, you  
18 know, I filled it out and returned it immediately.

19 Q Okay. And you -- you said you dropped -- I think you  
20 testified you dropped it in the mail?

21 A I did, at home.

22 Q When you told him that you had received a ballot, or he  
23 asked you and you -- you testified that you had received your  
24 ballot, and you told him that you had voted, did he give you a  
25 Peccy pin that said I voted?

1 A I don't have a Peccy pin that says I voted.

2 Q No, I'm saying, did he give you a Peccy pin that said I  
3 voted?

4 A No, he didn't give me one.

5 Q Now, was this person that you identified, who had asked  
6 you whether or not you had received your ballot, did you notice  
7 him walking around talking to other employees on the floor?

8 A He -- this was in the area that I was in before I'm in the  
9 area current -- you know, that I work in currently. I saw him  
10 maybe once or twice, so you know, I don't, like I said, I --  
11 the people that I work with daily, you know, I know faces, but  
12 I saw him a couple of times.

13 Q And these couple of times that you saw him, was he talking  
14 to other employees on the floor?

15 A I know once I saw him up at the leadership desk with, you  
16 know, with the other managers, and I saw him once, you know,  
17 just going around -- well, it looked -- appeared to me that he  
18 was speaking, but you know, I -- I could see him moving around.

19 Q And what was the area, I'm sorry, that you said you -- you  
20 were working in at that time?

21 A I was in -- in what's called -- well, it was pack singles,  
22 but it's called pack meeks (phonetic throughout) -- it's meeks  
23 now.

24 Q Okay.

25 MR. DAVIES: Just give me a moment and let me confer,

1 Madam Hearing Officer. I may be done.

2 HEARING OFFICER MEYERS: Absolutely. Go ahead and take --  
3 take two minutes. We'll be off the record until 3:45.

4 (Off the record at 3:43 p.m.)

5 HEARING OFFICER MEYERS: Mr. Davies, do you have any other  
6 questions?

7 MR. DAVIES: No further questions, Madam Hearing Officer.

8 HEARING OFFICER MEYERS: Any redirect, Ms. Nixon?

9 MS. NIXON: No further questions.

10 HEARING OFFICER MEYERS: Thank you so much for coming,  
11 Ms. Johnson. Your work here is done, at least for tonight.  
12 You are subject to recall, although it's probably unlikely.  
13 One of the parties might decide they want to recall you, and  
14 we'll let you know if that happens.

15 THE WITNESS: Okay.

16 HEARING OFFICER MEYERS: Otherwise, you are finished with  
17 your testimony. But please don't talk about with anybody  
18 because the rule of sequestration is in place.

19 THE WITNESS: I will not. Thank you so much.

20 HEARING OFFICER MEYERS: Okay. Thanks so much. You have  
21 a good night.

22 THE WITNESS: You too.

23 HEARING OFFICER MEYERS: Bye-bye.

24 Ms. Nixon, can the Employer please call its next witness?

25 HEARING OFFICER MEYERS: Yes, ma'am, and we just wanted to

1 let you know that we have two more employee witnesses, and we  
2 believe that they will be about the same length of time as Ms.  
3 Johnson, so fairly short.

4 HEARING OFFICER MEYERS: Okay. We will try to get through  
5 both of them.

6 MS. NIXON: We will have Mr. -- the next person on, and  
7 that's just two employees for today, I guess I wanted to make  
8 that clear. And we will have the next one on very shortly.

9 HEARING OFFICER MEYERS: Okay. How much time do you need  
10 to get the next witness on?

11 MS. NIXON: Less than five minutes, let's say three.

12 HEARING OFFICER MEYERS: All right. So let's say  
13 reconvene; we'll be off the record until 3:50 Central time.

14 MS. NIXON: Thank you.

15 (Off the record at 3:47 p.m.)

16 HEARING OFFICER MEYERS: Mr. Scroggins, would you like to  
17 call your next witness, please?

18 MR. SCROGGINS: Employer calls Thomas Lewter.

19 HEARING OFFICER MEYERS: Mr. Lewter, could you please  
20 raise your right --

21 MR. DAVIES: Sorry.

22 HEARING OFFICER MEYERS: I'm sorry?

23 MR. DAVIES: I'm sorry, I didn't mean to interrupt. I --  
24 I did not hear what objections Mr. Lewter is testifying to.

25 HEARING OFFICER MEYERS: 8, 10, and 11.

1 MR. DAVIES: Thank you. I apologize.

2 HEARING OFFICER MEYERS: That's okay.

3 Mr. Lewter, could you raise your right hand, please?

4 Whereupon,

5 **THOMAS LEWTER**

6 having been duly sworn, was called as a witness herein and was  
7 examined and testified, telephonically as follows:

8 HEARING OFFICER MEYERS: Thank you.

9 **DIRECT EXAMINATION**

10 Q BY MR. SCROGGINS: Good afternoon, Mr. Lewter. Would you  
11 mind please stating and spelling your name for the record?

12 A It's Thomas Lewter. Last name is L-E-W-T-E-R.

13 Q And do you work at Amazon's BHM1 fulfillment center in  
14 Bessemer, Alabama?

15 A I do.

16 Q And are you appearing today pursuant to a subpoena?

17 A Yes.

18 Q What is your current job title?

19 A Associate.

20 Q And do you work -- I'm sorry. How long have you worked at  
21 BHM1?

22 A I started April 1st of last year.

23 Q And were you employed by Amazon prior to working at B --  
24 atBHM1?

25 A No.



- 1 Q And what shift do you currently work, Mr. Lewter?
- 2 A It's the back-half, days.
- 3 Q Now, were you aware --
- 4 A Wednesdays --
- 5 Q Sorry, I didn't mean to interrupt.
- 6 A Wednesday through Saturdays is -- is what that is.
- 7 Q And were you aware that there was a union organizing drive
- 8 at BHM1?
- 9 A Yes.
- 10 Q And how did you first become aware of union organizing
- 11 activity there?
- 12 A I think the first time I -- I realized it was when just
- 13 associates started, you know, talking about, you know, just,
- 14 kind of just word of mouth, people were just talking that
- 15 something was going on, and that's kind of how it started.
- 16 Q And do you remember when you first became aware of this
- 17 activity?
- 18 A It was -- gosh, I'm -- between August and September, in
- 19 that time, maybe September time frame of last year.
- 20 Q And did Amazon hold any employee group meetings where the
- 21 union was discussed?
- 22 A Yes.
- 23 Q And how many of these -- well, did you attend any of these
- 24 meetings?
- 25 A Yes, I did.

- 1 Q How many of these meetings did you attend?
- 2 A I attended three of them.
- 3 Q And do you remember when the -- when the first meeting
- 4 that you attended was?
- 5 A Oh, I'm going to say it was in November sometime.
- 6 Q Who led these meetings?
- 7 A The -- the guy's name, he was an Amazon employee, his name
- 8 was Mike (phonetic throughout), and I don't know his last name.
- 9 Q How do you know Mike was an Amazon employee?
- 10 A Because he -- he said he was.
- 11 Q And do you remember if any members of BHM1 management or
- 12 human resources were present?
- 13 A There was -- there was one other person there. There was
- 14 a -- a lady there, and again, I don't know, you know, what she
- 15 was, what her title was. I know she was an Amazon employee
- 16 because we were told that she was.
- 17 Q Okay. And did the person that you -- leading this
- 18 meeting, Mike, did he use a PowerPoint presentation?
- 19 A Yes, he did.
- 20 Q And was the -- were the slides for this PowerPoint
- 21 presentation displayed on a screen for the group?
- 22 A Yes, it was.
- 23 Q And did this presenter also -- did Mike also speak to the
- 24 group at this meeting?
- 25 A Yes.



1 Q And when Mike was speaking to the group at these meetings,  
2 did his remarks reflect accurately what was shown on the  
3 slides?

4 A Yeah, he basically went in --

5 MR. DAVIES: Objection. Leading.

6 MR. SCROGGINS: You're muted, Madam Hearing Officer.

7 HEARING OFFICER MEYERS: It -- yes, I know. I'm trying to  
8 get it off mute.

9 It's a preliminary question. I'm going to allow it.  
10 Please proceed. Overruled.

11 Q BY MR. SCROGGINS: Mr. Lewter the question was, when --  
12 when Mike, this presenter, was speaking to the group, did his  
13 remarks reflect accurately what was shown on the slides?

14 A Yes, it did.

15 Q Okay.

16 A He -- he didn't deviate from the slides much at all.

17 Q Okay. And were there any written material or flyers made  
18 available to you and other employees at this -- at these  
19 meetings?

20 A There was -- in each of the meetings, there was one piece  
21 of paper. A couple of times it was on the seat that I was  
22 sitting on, and then another time it was leaning against the --  
23 the leg of the seat I was sitting in. Yeah, so there was.

24 Q At any time at any of these meetings, were any of these  
25 flyers or written materials handed directly to you by anybody

1     else?

2     A     No.

3     Q     At any time at any of these meetings, did you see anyone  
4     handing these flyers or written materials to any of your  
5     coworkers?

6     A     No.

7     Q     Did Mike or any of the speakers at these meetings tell you  
8     that if the union were chosen as the bargaining representative  
9     for employees that you would lose your pay?

10    A     No.

11    Q     Did Mike or any of the other speakers at any of these  
12    meetings tell you that if the union were chosen as the  
13    bargaining representative, that you'd get a pay cut?

14    A     No.

15    Q     Did Mike or any of the other speakers at any of these  
16    meetings tell you that if the union -- union were chosen as  
17    your bargaining representative, that would -- that you would  
18    lose your benefits?

19    A     No.

20    Q     Did Mike or any of the other speakers at any of these  
21    meetings tell you that if the union were selected as the  
22    bargaining representative, that you'd get a reduction?

23    A     No.

24    Q     What did they say about -- or did they make any statements  
25    or predictions about the results of collective bargaining

1 issues?

2 A There were -- there were no

3 MR. DAVIES: Objection. Leading. Lack of foundation.

4 HEARING OFFICER MEYERS: Again, I think this is a

5 preliminary question. I'm going to allow it. Overruled.

6 Q BY MR. SCROGGINS: Mr. Lewter, did Mike or the speakers at  
7 these meetings make any statements or predictions about what  
8 the results would be of a collective bargaining agreement?

9 A No. Basically what he said to us was we have no idea. We  
10 don't know how it's going to turn out.

11 Q Did the speakers at these meetings say anything to you  
12 that you perceived as threatening about the union?

13 A No.

14 Q Did Mike or any of the speakers at these meetings say  
15 anything or predict anything bad would happen if the union  
16 would become your bargaining representative?

17 A No.

18 Q Did you ask any questions at these meetings?

19 A Yeah, I think I asked, you know, how long this process was  
20 going to take. If -- if the -- if the union -- we joined the  
21 union, if we brought in the union, how long will that take for  
22 that to happen. How long would it take for us to know whether  
23 or not, you know, if it was voted in or out. And that was -- I  
24 think that was the extent of my questions.

25 Q And what was the answer to your question, from Mike, or

1     whoever was talking?

2     A     Which one?  The -- either question?

3     Q     Yes.  What was -- what was the answer to your first  
4     question?

5     A     Okay, my first question was they -- again, they didn't  
6     know.  He didn't have any clue.  And -- and the second one is,  
7     well, preliminarily, we'll be over with the voting at --  
8     whenever it was, the 28th of March or whatever, and sometime  
9     after that we would find out what the result was.

10    Q     Okay.  And at these meetings, did anyone proper -- did  
11    anyone demonstrate how to properly complete a mail ballot?

12    A     Yes.

13    Q     And when they were demonstrating how to properly complete  
14    the mail ballot, did they -- did they ask or tell you to vote  
15    no on the ballot?

16    A     They did not tell us how to vote.

17    Q     Did the speakers tell you that you -- that you and other  
18    employees were free to vote however you wanted?

19    A     Yes.

20    Q     And were there any other materials or free stuff made  
21    available to employees at these meetings, you know, other than  
22    these flyers you told me about?

23    A     When we walked out the door, I think there was a table  
24    that had, you know, some -- a couple of trinkets on it.  And I  
25    didn't even look at it.  I didn't pay attention.  I didn't pick

1 one up. Nobody handed one to me, so I just left.

2 Q Did you see some other employees pick up any of this  
3 stuff?

4 A Yeah.

5 Q Were employees free to -- such as yourself, free to choose  
6 whether you wanted to pick some up or not?

7 MR. DAVIES: Objection. Leading.

8 HEARING OFFICER MEYERS: I -- I'm going to sustain that.  
9 That was leading. Can you rephrase?

10 MR. SCROGGINS: Certainly.

11 Q BY MR. SCROGGINS: Did you see anybody hand any of this  
12 free stuff to any of your coworkers as they were leaving the  
13 meeting?

14 A No, it was on the table. You had to get it if you wanted.

15 Q Okay. Now, outside the context of these group meetings  
16 we're talking about, while you were working on the floor, did  
17 anyone ever approach you while you were working, to ask you  
18 whether you had received your ballot?

19 A No.

20 Q And other than your coworkers, did anyone in BHM1  
21 management or employee relations, human resources, or any  
22 consultant ask you if you had received your ballot?

23 A No.

24 Q Other than coworkers, did anyone in BHM1 management,  
25 employee relations, human resources, or cons -- any consultant

1 ask you if you had voted?

2 A No.

3 Q Okay.

4 A The only -- the only information I got on voting was  
5 through an email and a text message from the company saying,  
6 you know, make sure you vote.

7 Q Okay, but nobody approached you on the floor to tell you  
8 that?

9 A Nobody. Nobody approached me on the floor.

10 Q And then, did anyone in BHM1 management or employee  
11 relations, human resources, or any consultant, ask you if you'd  
12 mailed your ballot?

13 A No.

14 Q Did anyone in BHM1 management, employee relations, human  
15 resources, or any consultant ask you how you had voted, whether  
16 for or against the union?

17 MR. DAVIES: Objection. Asked and answered.

18 MR. SCROGGINS: I haven't had --

19 THE COURT REPORTER: You're on mute.

20 HEARING OFFICER MEYERS: He is not -- I know that. It's  
21 not responding, so you're going to have to be patient.

22 THE COURT REPORTER: Okay.

23 HEARING OFFICER MEYERS: It doesn't help when people  
24 remind me.

25 He has not asked a specific question. I'm overruling the

1 objection. Please proceed.

2 Q BY MR. SCROGGINS: Mr. Lewter, did anyone in BHM1  
3 management, employee relations, human resources, or any  
4 consultant ask you how you had voted, whether for or against  
5 the union?

6 A No.

7 Q Did you see or hear anyone in BHM1 management, employee  
8 relations, human resources, or any consultant ask any other  
9 employee if they had received their ballot?

10 A I didn't see that.

11 Q Did you see or hear anyone in BHM1 management, employee  
12 relations, human resources, or any consultant ask any other  
13 employee if they had voted?

14 A No.

15 Q Did you see or hear anyone in BHM1 management, employee  
16 relations, human resources, or any consultant ask any other  
17 employee if they had mailed their ballot?

18 A No.

19 Q Did you see or hear anyone in BHM1 management, employee  
20 relations, human resources, or any consultant ask any other  
21 employee how they had voted, whether for or against the union?

22 A No.

23 MR. SCROGGINS: I don't think I have any further questions  
24 for Mr. Lewter at this time.

25 HEARING OFFICER MEYERS: Mr. Davies, how much time do you

1 need to prepare for this witness?

2 MR. DAVIES: Ten minutes.

3 HEARING OFFICER MEYERS: All right. We will be in recess  
4 until 4:15 Central time, 5:15 Eastern time.

5 MR. DAVIES: Thank you.

6 HEARING OFFICER MEYERS: Mr. Lewter, you can turn off your  
7 camera and turn off your microphone, as long as you'll be back  
8 by 4:15.

9 THE WITNESS: I -- I'm going to leave it on. I don't want  
10 to mess it up.

11 HEARING OFFICER MEYERS: Okay. You don't have to sit  
12 there in the fishbowl, because we got a bunch of people  
13 watching this. If it's easier for you, you're more than --  
14 you're more than free to do that.

15 THE WITNESS: I'll stand up for a minute. I'll -- I'll  
16 get something to drink or something.

17 HEARING OFFICER MEYERS: All right.

18 (Off the record at 4:05 p.m.)

19 MR. ROUCO: I'm ready; you mean, you don't like my cross-  
20 examination, Kerstin?

21 HEARING OFFICER MEYERS: Mr. Rouco. No, that's -- that's  
22 fine. I just, you know, maybe he'll tell us why he was shaking  
23 his finger at us. We are on the record, though.

24 MR. ROUCO: I was not shaking my -- just for the -- just  
25 for the purposes of the record, I was not shaking my finger at



1     you; I was actually on the phone from somebody in IT trying to  
2     fix a problem.

3           HEARING OFFICER MEYERS:   Okay.   And I bet it was one of  
4     your other wonderful clients that are there in Birmingham.

5           MR. ROUCO:   No, no.   It was the IT person because I was  
6     having problems with my compu -- with my connection, so.

7           HEARING OFFICER MEYERS:   I will say that, you know, the  
8     best thing about this hearing is it got me out of another case  
9     there in Birmingham.

10          MR. ROUCO:   Well, yeah.

11          HEARING OFFICER MEYERS:   All right.   Are -- are you  
12     prepared to take your witness now, Mr. Rouco, or take this  
13     witness now, Mr. Rouco?

14          MR. ROUCO:   I am prepared, yes, I am.

15          HEARING OFFICER MEYERS:   All right.

16          Mr. Lewter, you are still under oath, and Mr. Rouco is  
17     counsel for the union and he has some questions for you, so I'm  
18     going to turn it over to him.

19          THE WITNESS:   Okay, yes, ma'am.

20                                   **CROSS-EXAMINATION**

21     Q     BY MR. ROUCO:   Good afternoon, Mr. Lewter.   I just have a  
22     few questions.   You testified that you attended some meetings  
23     that were led by an individual named Mike who is an Amazon  
24     employee; was he an employee relations person, do you know?

25     A     I don't know.

1 Q He doesn't --

2 A He wasn't -- he wasn't based in Alabama, if that's what  
3 you're wondering.

4 Q So he's not somebody that worked in BHM1; is that right?

5 A No.

6 Q And you only -- and you've only seen him in connection to  
7 the organ -- to this organizing campaign; is that right?

8 A Actually, no. I've seen him this week.

9 Q Okay.

10 A He -- he was walking around -- he was walking around, and  
11 I actually saw him twice this week.

12 Q Did he stop and talk to you this week?

13 A Yeah.

14 Q Did he ask you about whether you were going to testify at  
15 this hearing?

16 A No, he didn't ask me if I was going to testify at this  
17 meeting.

18 Q Now, during the meetings that you attended, did Mike or  
19 the person that was leading the meeting, did they ask you to  
20 vote no?

21 A No, they did not.

22 Q Was it your understanding that Amazon wanted you to vote  
23 no?

24 A Was it my understanding?

25 Q Yes, sir.

1 A It was my understanding that if it was me, and I was  
2 Amazon, I would want to vote no, yeah. I -- I mean, I would  
3 assume that, I don't know for sure.

4 Q Well, during the meetings that you attended, were there  
5 any slides presented that asked you to vote no?

6 A No.

7 Q At the facility, were there any posters, or flyers, or  
8 table tops, acid screens, where the company was asking you to  
9 vote no?

10 A No. There was -- actually, there was some banners that  
11 they had, make sure you vote, but they didn't say how to vote.

12 Q So your testimony is that during the period between  
13 November 20th through the end of March, you don't recall seeing  
14 anything handed out by Amazon that asked you to vote no; is  
15 that right?

16 A No, absolutely not.

17 Q Is that correct?

18 A That's correct.

19 Q Okay. Did you -- do you recall getting any text messages  
20 from Amazon regarding this?

21 A Yes.

22 Q And you looked at --

23 MR. ROUCO: Can we display Union 2?

24 HEARING OFFICER MEYERS: Madam Bailiff, can you put up  
25 Union 2, please?

1 Q BY MR. ROUCO: Now, do you recall seeing -- receiving a --  
2 a text message from Amazon that said don't give up your voice?  
3 Do you see?

4 A Yeah, I -- I'm looking, and I'm trying to read it. I -- I  
5 don't recall this message coming to me.

6 Q Do -- do you recall Amazon saying that if you voted in a  
7 union you would lose your voice?

8 A No.

9 Q You don't recall that. Did you ever see the slogan where  
10 Amazon was saying you should speak for yourself, and not let a  
11 third party speak for you?

12 A No.

13 Q Okay. And you've never -- have you seen that speak for  
14 yourself slogan on any banners that were -- that were put up by  
15 Amazon?

16 A I don't recall any.

17 MR. ROUCO: Madam Bailiff, could we --

18 THE WITNESS: The -- the ones that I saw was the ones that  
19 said make sure that you vote. Those are the ones that I saw.

20 Q BY MR. ROUCO: And -- and that's all you recall seeing is  
21 banners that say make sure you vote; is that right?

22 A Well, I, you know, they're -- as far as I can remember,  
23 yeah.

24 Q Okay.

25 MR. ROUCO: Do you mind displaying Union 4, please?

1 Q BY MR. ROUCO: Mr. Lewter, do you recall what's marked --  
2 what's marked as Union 4 has already been admitted in  
3 evidence --

4 A Yeah.

5 Q -- and there's testimony --

6 A Uh-huh.

7 Q -- that this was a text message that was sent out --

8 A Yeah.

9 Q -- to employees on or about January 20th. Do you recall  
10 receiving this text message from --

11 A I -- I recall that one.

12 Q You recall this one. And this is dated -- it's -- it's  
13 hard to read the date, but I'll tell you that the testimony is  
14 it's January 20th. Was that around the time that you were  
15 having -- that you recall participating in the meetings that  
16 you attended?

17 A I think the meetings -- the meetings started in -- I think  
18 they were late November and in December. And yeah -- yeah,  
19 there was probably -- there might've been one in January, I --  
20 I don't know.

21 Q You don't know. And so this message here was that you  
22 needed to protect what you have; is that right?

23 A Yeah.

24 Q And did you understand that -- that the way you protect  
25 what you have is to vote against the union; is that right?

1 MR. SCROGGINS: Objection. Lack of foundation.

2 MR. ROUCO: I -- I think -- I think there's some --

3 HEARING OFFICER MEYERS: Overruled.

4 MR. ROUCO: -- may I respond? Yeah, okay. I think he  
5 has -- I think he has foundation to testify about what's in his  
6 head, right?

7 Q BY MR. ROUCO: Mr. -- Mr. Lewter, was it your  
8 understanding -- you -- you saw this message about protect what  
9 you have --

10 A Um-hum.

11 Q -- right?

12 A Um-hum.

13 Q And this -- this message came out, it coincided with other  
14 messages that you were getting about what happens, or what can  
15 happen if you're involved in collective bargaining; is that  
16 right?

17 A What can happen if you're involved in collective  
18 bargaining?

19 Q Right. Well, let me rephrase that. This -- this -- this  
20 text message came out around the same time that you were  
21 receiving other messages from Amazon facilitators or -- or  
22 employee relations people about the potential consequences of  
23 collective bargaining; is that right?

24 A I don't remember hearing anything about the consequences  
25 of that happening. I was never told we'd lose anything, we

1 would gain anything. We would, I mean, I never heard any of  
2 those things.

3 MR. ROUCO: And can you please take down Union 4?

4 Mr. Lewter, I -- I have nothing further for you. Thank  
5 you. No further questions.

6 HEARING OFFICER MEYERS: Any redirect?

7 MR. SCROGGINS: No, Madam Hearing Officer. I have no  
8 further questions for Mr. Lewter.

9 HEARING OFFICER MEYERS: Thank you.

10 Mr. Lewter, you are released from service today. We  
11 appreciate you coming in. Thank you very much. However, you  
12 are -- the rule of sequestration is in effect, so please don't  
13 talk about your testimony with anybody. There is a -- a  
14 limited possibility that you may be recalled, but we will let  
15 you know if one of the parties needs you to come back. But  
16 otherwise, you're done for the evening and probably won't be  
17 recalled. We appreciate your service. Thanks for coming in.

18 THE WITNESS: All right, thank you.

19 HEARING OFFICER MEYERS: Thank you.

20 Mr. Scroggins, how much time does the Employer need to put  
21 on their next witness?

22 MR. SCROGGINS: I think five minutes would do.

23 HEARING OFFICER MEYERS: Okay. We will be in recess until  
24 5:30, and we are in recess.

25 (Off the record at 4:25 p.m.)

1 HEARING OFFICER MEYERS: Ms. Nixon, please call your next  
2 witness.

3 MS. NIXON: First I wanted to just state the objections  
4 that we used Carla Johnson for, since we did not get that on  
5 the record, if you'd like for us to.

6 HEARING OFFICER MEYERS: Thank you, yes.

7 MS. NIXON: Those were --

8 HEARING OFFICER MEYERS: Please do that.

9 MS. NIXON: Those were number 9, 10, and 11.

10 HEARING OFFICER MEYERS: Okay, and who is Mr. Thompson?  
11 Which objections will Mr. Thompson testify to?

12 MS. NIXON: They will be 1 through 7, 10, 11, and 17.

13 HEARING OFFICER MEYERS: All right, and can you call your  
14 next witness, please?

15 MS. NIXON: Yes, our next witness is J.C. Thompson.

16 HEARING OFFICER MEYERS: Mr. Thompson, could you raise  
17 your right hand, please? And will you turn on your microphone?  
18 You know how to do that? Bottom left, if you highlight the  
19 screen --

20 MR. THOMPSON: I got it.

21 HEARING OFFICER MEYERS: -- where it says mute --

22 MR. THOMPSON: Yeah.

23 HEARING OFFICER MEYERS: -- take it up --

24 MR. THOMPSON: Yeah.

25 HEARING OFFICER MEYERS: -- got it. All right, raise your



1 right hand.

2 Whereupon,

3 **JEFFREY (J.C.) THOMPSON**

4 having been duly sworn, was called as a witness herein and was  
5 examined and testified, telephonically as follows:

6 HEARING OFFICER MEYERS: Right. Thank you. Your witness,  
7 Ms. Nixon.

8 **DIRECT EXAMINATION**

9 Q BY MS. NIXON: Can you please state your name for the  
10 record?

11 A My name is Jeffrey Thompson. I go by J.C.

12 Q And did you work at the fulfillment center referred to as  
13 BHM1?

14 A Yes.

15 Q When did you start working there?

16 A The first week in April 2020.

17 Q Was that shortly after it opened?

18 A One week after it opened.

19 Q Okay. And what is your current job title?

20 A Process assistant.

21 Q During the Union organizing drive at BHM1, were you ever  
22 approached by anyone while you were working on the floor to  
23 discuss your ballot?

24 A Yes.

25 Q And what did -- what did they ask you or what was that



1 conversation?

2 A Basically, have I received the ballot.

3 Q How did you respond to that question?

4 A I responded, yes, and I've already mailed it back.

5 Q Did you have any other conversations with this person or  
6 anyone else at Amazon, including management or you know,  
7 someone from the employee relations team or HR department,  
8 other than your coworkers, to discuss your ballot or voting?

9 A No.

10 Q Did anyone at Amazon, other than your coworkers, and that  
11 includes management and all the other individuals that I just  
12 mentioned, did they --

13 A Uh-huh.

14 Q -- ever ask you whether you had voted?

15 A No, they never asked whether I voted. They only asked  
16 have I received the ballot.

17 Q Did they ever ask you how you voted?

18 A No.

19 Q Did you find the ballot process confusing?

20 A I didn't find it confusing, but I could see how it could  
21 be con -- confusing to a lot of people.

22 Q Do you think that the things that Amazon did to explain  
23 the ballot process made it easier to understand?

24 A Yes, I think the things that Amazon did were very  
25 effective as far as -- especially when I got my ballot, I mean,

1     they already had a sample ballot that we -- they had in one of  
2     the meetings, and I was able to -- it was just like the regular  
3     ballot, especially the part about making sure you sign your  
4     name after you filled it in and put it in the other envelope,  
5     so it was very detailed, so I appreciated it.

6     Q     Did you say that you had received a -- or seen a sample  
7     ballot during one of the meetings?

8     A     Yes.

9     Q     And when Amazon was discussing the ballot process during  
10    this meeting, did they ever ask you to vote a certain way?

11    A     No, they never asked to vote a certain way. They just  
12    simply said it's important for everybody to -- to vote.

13    Q     Do you know any associates at Amazon who did not receive  
14    their ballot?

15    A     Yes.

16    Q     Do you know if any of these associates asked anyone what  
17    they should do to receive a ballot?

18    A     Yes, they asked people how could they get a ballot in.  
19    The response was call the Labor Board and they'll make sure  
20    that you get a ballot if you haven't received one.

21    Q     Did you ever get a call from a Union representative?

22    A     Definitely.

23    Q     What conversation did you have with that -- with that  
24    Union representative?

25    A     Basically, about the Union, what the Union could do

1 better. About a intense 30-minute call urging because I'm --  
2 I -- I pushed back a little bit on -- on -- on some things that  
3 they asked. So yeah, right after Amazon let us know that they  
4 had turned over our information to the Labor Board, I -- I  
5 immediately started receiving text messages and calls about  
6 couple of days right after they got the information.

7 Q All right, in any of the things that you talked with the  
8 Union representative about, did you receive that information  
9 from Amazon?

10 A No, I basically did my own research about, you know -- and  
11 I -- and because of my previous employer --

12 Q Uh-huh.

13 A -- very familiar with unions and how they work, so it's  
14 kind of been -- how, you know, all of this kind of play out.

15 Q Any of the things that you met with -- or that you spoke  
16 with the Union representative about, did you speak to your  
17 coworkers about those some sort of things?

18 MR. ROUCO: You --

19 A Yeah. Somebody was saying something, or --

20 MR. ROUCO: Yeah, yeah. You know, I -- I've sort of  
21 allowed this to go on, but I guess they -- I guess the Employer  
22 can question this witness as to what their conversations were  
23 with the employee -- with the Union organization -- a Union  
24 organizer, so you know what? I'm going to -- I was going to  
25 object that they're -- they're prodding into protected activity

1 by asking this witness questions about what kind of  
2 conversations he had with an organizer, but I'm going to  
3 withdraw that objection.

4 HEARING OFFICER MEYERS: Okay, can you proceed, Ms. Nixon,  
5 please?

6 MS. NIXON: Yes.

7 Q BY MS. NIXON: In your experience, have there been times  
8 when the HR department or management has approached you on the  
9 floor to discuss your work or -- or any other discussions?

10 A Sure, our HR department is -- is very mobile. They're not  
11 stationary, so it's quite common for them to be on the floor  
12 with their laptops or mobile rollers to just talk with  
13 employees. Matter of fact, if I put a ticket in, they'll come  
14 and see me probably 30 or 45 minutes, if not, they'll send me a  
15 time and let me know that they'll be with me as soon as  
16 possible, so that's very common.

17 Q And when they come to you on the floor, do they have a  
18 laptop or notebook with them?

19 A Yes, yes.

20 Q And do they track your responses or write down any issues  
21 that you're having?

22 A Of course. Yeah, they have -- they have to track.

23 Q And when has this occurred in -- during your employment?

24 A It -- employ -- it -- it occurs all the time. Sometimes  
25 people have issues with clocking in. You know, with -- with

1 dealing with COVID, especially, there are long lines sometimes  
2 at HR, so they will come to people, you know, fix their time,  
3 maybe they ask for some PTO, maybe they just got back from  
4 leave of absence, so they kind of document, you know, and talk  
5 to the employees about what -- what their needs are at that  
6 moment.

7 Q Was this a common practice from the beginning of your  
8 employment in April of 2020?

9 A Yes, definitely.

10 Q Mr. Thompson, do you ever access Twitter, either from your  
11 own account or -- or just online?

12 A Yes, both.

13 Q Have you ever seen any tweets about the Union organizing  
14 campaign at BHM1?

15 A I have.

16 Q Have you ever seen any tweets that specifically refer to  
17 the mailbox installed at BHM1?

18 A Yes.

19 MS. NIXON: Madam Hearing Officer, would you please ask  
20 the bailiff to show the witness Employer Exhibit 119?

21 HEARING OFFICER MEYERS: Madam Bailiff, could you put up  
22 119, please? Madam Bailiff, do you have that? I've got it up.

23 MS. MILLER: I have it somewhere. I'm trying to find it.  
24 Sorry.

25 HEARING OFFICER MEYERS: Here, I'll do it, I think. Hold

1 on. I need to make sure I'm showing the right one. Can you  
2 all see that?

3 MS. NIXON: Yes, ma'am. We'll probably want to make it a  
4 little smaller so that we can see most of it.

5 HEARING OFFICER MEYERS: There we go.

6 Q BY MS. NIXON: Mr. Thompson, can you see the document  
7 displayed on the screen?

8 A Yes.

9 Q And is that a true and accurate reflection of the tweet  
10 that you were just referring to?

11 A Yes.

12 MS. NIXON: Madam Hearing Officer, the Employer moves to  
13 admit Employer Exhibit 119.

14 HEARING OFFICER MEYERS: Any objections, Mr. Rouco?

15 MR. ROUCO: I'd like to ask the witness a few questions  
16 about this, if I may?

17 HEARING OFFICER MEYERS: Okay. You may.

18 **VOIR DIRE EXAMINATION**

19 Q BY MR. ROUCO: Mr. Thompson, did -- did you provide this  
20 tweet to the Employer?

21 A No, sir.

22 Q And do you subscribe to the More Perfect Union -- do  
23 you -- well, let me rephra -- rephrase this. Do you follow  
24 More Perfect Union?

25 A Yeah.

1 Q So you're a follower of this particular organization?

2 A I am.

3 Q Okay. And this particular organization, you agree, is not  
4 the RWDSU; is that right?

5 A It is not.

6 Q Okay. And so your testimony -- so this is not -- this  
7 document is something that you were just shown; is that right?

8 A No, it's something that I saw on Twitter.

9 Q It's something you saw on Twitter.

10 A Yes.

11 Q All right. And you saw it back -- when did you see it?

12 A Probably first of April sometime or another.

13 Q Okay. So it --

14 A Uh-huh.

15 Q -- was -- so you saw it after the -- the balloting ended;  
16 is that right?

17 A I mean, it was April -- mid-April, well, I guess the first  
18 of April, so I guess, yeah, I guess the balloting had ended.

19 MR. ROUCO: All right, well, I'm going to object to this  
20 witness given that this is not a particular document that he  
21 supplied to the witness and then, in fact, the period of time  
22 that he first saw it was after the balloting period.

23 HEARING OFFICER MEYERS: Okay, I don't -- I don't see the  
24 foundation. I mean, this is a -- that a -- wh -- what's the --  
25 what's the purpose of this, Ms. Nixon?



1 MS. NIXON: Yes, ma'am, we believe that the -- this --  
2 this tweet and the video that's in this tweet that we were  
3 going to discuss that has already been admitted into evidence  
4 goes directly to the objection number 17 and any other mailbox  
5 objection that relates to the information that -- or the  
6 allegation that Amazon was putting out information about the  
7 mailbox, and this goes directly to what information that the  
8 Union was putting out to the mailbox -- about the mailbox  
9 because the video here has already been admitted and had  
10 Mr. Brewer discussing the mailbox.

11 (dog barking)

12 HEARING OFFICER MEYERS: Knock it off. Sorry. Oops.  
13 Sorry, I thought I'd put it out the --

14 MR. ROUCO: Oh, I -- all right, I won't do --

15 HEARING OFFICER MEYERS: I think it's --

16 MR. ROUCO: -- it anymore.

17 HEARING OFFICER MEYERS: -- the mail -- I think the  
18 mailman is here.

19 My problem here is, A, I don't -- when was this video  
20 admitted? Could you -- could you tell me which -- which  
21 Employer exhibit this might be?

22 MS. NIXON: Yes, the video was admitted 120, and I was  
23 actually going to be asking if we could view that video after I  
24 ask Mr. Thompson a few questions about it.

25 MR. ROUCO: You know, I -- I -- I'm not sure what the --



1     what the relevance is of this tweet, and -- and I know that  
2     we -- we didn't object to the video as an effort to try to just  
3     expedite things. We were trying to -- to help out here, but I  
4     don't know -- the -- the witness has testified that he saw this  
5     video after the balloting ended, right, so I'm not sure -- I'm  
6     not sure what relevance it has if -- if anything that's said  
7     about the mailbox is said after the critical period or heard  
8     after the critical period.

9             HEARING OFFICER MEYERS: And this isn't the -- I mean,  
10     this is not the -- the Petitioner, so I'm not sure what the  
11     relevance is. And this isn't the Union. You can't impute to a  
12     third -- you can't impute to the Petitioner what a third party  
13     says.

14            MS. NIXON: But the -- the Petitioner is the one who gave  
15     the interview in this video.

16            MR. ROUCO: Right.

17            HEARING OFFICER MEYERS: Is that --

18            MR. ROUCO: So --

19            HEARING OFFICER MEYERS: -- oh. Is that --

20            MR. ROUCO: Right, if -- yes, to -- to the extent that --  
21     and that's -- that was part of the reason why we went -- we  
22     went ahead and didn't -- weren't going to make too much of a  
23     fuss about the video because even though it's not a video that  
24     the Union did, it's an interview of Mr. Brewer, but it's an  
25     edited interview, presumably, but this particular document is

1 not something that the Union put together or distributed.  
2 This -- the tweet, you know, interprets what's in the video,  
3 and it's a view that's taken by this entity called More Perfect  
4 Union.

5 HEARING OFFICER MEYERS: Okay. And this is posted March  
6 25th?

7 MR. ROUCO: I guess. I don't -- you know.

8 MS. NIXON: Yes. Yes, Madam Hearing Officer, that's what  
9 it states on there: March 25th.

10 HEARING OFFICER MEYERS: And the ballots were counted what  
11 day?

12 MR. ROUCO: That were counted on --

13 HEARING OFFICER MEYERS: 28th, right?

14 MR. ROUCO: -- March 30th.

15 HEARING OFFICER MEYERS: March 30th? Over your objection,  
16 I'll allow it for whatever weight I determine it is to be  
17 given.

18 **(Employer Exhibit Number 119 Received into Evidence)**

19 MR. ROUCO: Okay. Thank you.

20 HEARING OFFICER MEYERS: Please proceed, Ms. Nixon.

21 MS. NIXON: Okay.

22 **RESUMED DIRECT EXAMINATION**

23 Q BY MS. NIXON: Mr. Thompson, did you watch the video that  
24 is embedded in this tweet?

25 A Yes.

1 MS. NIXON: And Madam Hearing -- Hearing Officer, now is  
2 where I'd like the bailiff to have Exhibit 120 and play that  
3 video.

4 MS. MILLER: I have that video up. If you want to stop  
5 sharing your screen, I will share mine.

6 HEARING OFFICER MEYERS: Oh, okay, I forgot I was sharing.  
7 There. Are we better?

8 MS. MILLER: You want me to play it now or -- or -- I'm  
9 just waiting your instructions, Ms. Nixon.

10 HEARING OFFICER MEYERS: Well, Ms. Nixon, do you want to  
11 play the video or --

12 MS. NIXON: Yes, ma'am, I would like to.

13 (Video played at 4:48 p.m., ending at 4:52 p.m.)

14 MS. NIXON: Madam Hearing Officer, it can be removed from  
15 the screen. Thank you.

16 Q BY MS. NIXON: Mr. Thompson, before you watched this video  
17 and saw this tweet, whenever it was that you testified when it  
18 was, did you hear any similar message from the Union about the  
19 mailbox at BHM1?

20 A Yes.

21 Q And what kind of message was that?

22 A Basically, you know, what the video said that Amazon was  
23 trying to basically do some trickery with the mailbox  
24 installing it on the property, but since I've been an employee,  
25 I'm probably in the minority because I've been there from the

1 beginning -- in my onboarding process, I can remember that it  
2 was already said that they were going to install a U.S. postal  
3 mailbox for convenience for the employees because of the hours  
4 we had to work. Case in point with me, I mean, I work 6 p.m.  
5 to 5 a.m. in the morning, and I live 30 -- about 45 minutes  
6 away. It takes me about 45 minutes. So when I'm asleep, I get  
7 up, travel time, most of the post offices are closed, so at the  
8 beginning, I've said, the building first opened before we even  
9 knew about a union, it was already talking about -- about  
10 convenience for the employees at BHM1.

11 Q Do you know if any of your coworkers saw this tweet or  
12 watched this video?

13 A Yes.

14 Q Do you know if they saw it or saw the video or saw the  
15 tweet before you saw it?

16 A Yeah, I think a few people did. I mean, you know, I'm --  
17 I'm -- I'm pretty active on Twitter, but you know, a whole lot  
18 of things happen on Twitter, but anyway, and a few people asked  
19 me about it and we -- we discussed it, and so, yeah.

20 Q Did this tweet or video cause any confusion about the  
21 mailbox or the purpose of the mailbox at BHM1?

22 MR. ROUCO: I'm going to object. That's asking for  
23 speculation.

24 HEARING OFFICER MEYERS: Sorry, the dogs, I think, have  
25 calmed down. Maybe I'll leave it off mute.

1           Objection sustained.

2           MS. NIXON: All right, I think that's all the questions I  
3 have for now.

4           HEARING OFFICER MEYERS: And how much time -- how much  
5 time do you need, Mr. Rouco, to prepare --

6           MR. ROUCO: I'd say about --

7           HEARING OFFICER MEYERS: -- your cross?

8           MR. ROUCO: I'd say about ten minutes.

9           HEARING OFFICER MEYERS: Okay, then let's take ten  
10 minutes. Guess that'll be 6:05 my time. It's at 5:05 y'all's  
11 time. We will be off the record.

12           Mr. Thompson, you can turn your microphone off and your  
13 camera off so you're not in the fishbowl the whole time, but if  
14 you'll just be back in ten minutes. The Union's got a few  
15 questions for you. Hopefully, we'll get you out of here fairly  
16 soon. Thank you.

17 (Off the record at 4:55 p.m.)

18           HEARING OFFICER MEYERS: Mr. Rouco, do you have --

19           MR. ROUCO: Yes.

20           HEARING OFFICER MEYERS: -- any questions for this  
21 witness?

22           MR. ROUCO: Yes, I do. Thank you.

23           HEARING OFFICER MEYERS: Please proceed.

24           MR. ROUCO: Okay.

25           ////

**CROSS-EXAMINATION**

1

2 Q BY MR. ROUCO: Good afternoon, Mr. Thompson.

3 A Good afternoon.

4 Q Now, Mr. Thompson, did -- did you participate in any press  
5 conferences arranged by Amazon public relations?

6 A Yes.

7 Q Okay. And how many press conferences did you participate  
8 in that were arranged by someone in public relations at Amazon?

9 A Like a couple, two.

10 Q Two? And did Carla Johnson also participate in any of the  
11 press conferences that you participated in?

12 A I think one.

13 Q She participated in one? How about --

14 A Yes.

15 Q -- Dawn Hoag? Did she participate in any of the  
16 conferences that were arranged by Amazon PR?

17 A Not with me.

18 Q Not with you?

19 A No.

20 Q Are you aware of Ms. Ho -- whether Ms. Hoag participated  
21 in press conferences?

22 A I'm not sure about press conferences, but I've read some  
23 articles that she's quoted in.

24 Q Okay. And in terms of your participation in these press  
25 conferences, did someone approach you and ask you if you would

- 1 do it?
- 2 A No.
- 3 Q Okay. Did you go and volunteer?
- 4 A Yes, sir.
- 5 Q And you approached somebody in HR about wanting to
- 6 participate in a press conference?
- 7 A Yes, sir.
- 8 Q Okay. And in that press conference, you expressed your
- 9 views as to why you opposed the Union; is that right?
- 10 A Yeah -- yes, sir.
- 11 Q Now, you testified that you are a process assistant.
- 12 A Yes.
- 13 Q Okay. The duties of a process assistant, is one of those
- 14 duties to give out work orders?
- 15 A Yes.
- 16 Q Is it to assign employees to a workstation when they
- 17 arrive?
- 18 A Yes, sir.
- 19 Q And I don't -- I -- I'm sorry about when you were process
- 20 assi- -- you know, when you were asked about being a process
- 21 assistant, what area are you a process a -- assistant in?
- 22 A I'm in AFE1 pack.
- 23 Q I'm sorry?
- 24 A AFE1 pack.
- 25 Q AFE1 packing, okay.



1 A Uh-huh.

2 Q And how long have you been a process assistant in packing?

3 A Since probably May. Yeah --

4 Q May?

5 A -- May. Yeah --

6 Q 2020?

7 A May, 2020.

8 A Yes, sir.

9 Q Okay. Now, and when you said AFE1, what does --

10 A Uh-huh.

11 Q -- that stand for?

12 A AFE is basically an area, a pack area -- acronym for a  
13 pack area. We have AFE1 and AFE 2. When we opened, there was  
14 no AFE1 because we were only 60 percent open, so I'm the  
15 original process assistant that opened the first-floor packing  
16 area.

17 Q Okay. And --

18 A Yeah.

19 MS. NIXON: Madam Hearing Officer, I'm going to object to  
20 the line of questions about the process assistant, and I  
21 believe that you have stated that the factors in 2(11) are --  
22 are not relevant.

23 HEARING OFFICER MEYERS: I -- Mr. Rouco, what do you think  
24 the relevance is?

25 MR. ROUCO: They asked this witness what he does, and I'm

1 following up on what -- what he does and what interaction he  
2 has with employees.

3 HEARING OFFICER MEYERS: But I'll allow it. Overruled.

4 MR. ROUCO: Yeah.

5 Q BY MR. ROUCO: So it -- it -- am I correct that as a  
6 process assistant, you're not assigned to a station; is that  
7 right?

8 A Correct.

9 Q You have -- you work in an area that's -- that -- there's  
10 like a desk in a -- in an area called the stand-up area; is  
11 that right?

12 A No, sir. No, sir, there's --

13 Q Well --

14 A -- no desks.

15 Q -- well tell me, wh -- where -- where -- do you have a  
16 desk that you work from?

17 A No, sir. I have a laptop, and we have -- I have what they  
18 call a catwalk, and there are stationary places to place my  
19 laptop on, but that's it, but I don't have a desk per se.

20 Q Okay. You say you have something that's called a catwalk?

21 A Yes.

22 Q What is a catwalk?

23 A Catwalk is basically -- I mean, if you're not so big,  
24 it's -- it -- it's not going to make any sense, but basically,  
25 I can see -- from a elevated area, I can see basically my

1 entire work area. If I -- I walk from left to right, I can  
2 kind of see my entire work area.

3 Q Oh, okay, so like the catwalk is like a -- like -- it's an  
4 elevated --

5 A Yes.

6 Q -- area that you work on and -- and --

7 A Yes, sir.

8 Q -- you have -- you have to walk up steps to get to the  
9 catwalk; is that right?

10 A Yes, sir. Yes, sir.

11 Q So you spend -- you spend your time -- most of your time  
12 as process assistant in the catwalk area?

13 A No, no. I go on walks. I engage employees, but when  
14 I'm -- when I'm trying to oversee -- I'm trying to see what's  
15 going on with the floor, I usually use the catwalk.

16 Q Okay. All right. And so is it fair to say that you, as a  
17 process assistant, interact with all the employees who are in  
18 AFE1 packing during the shift that you're the process  
19 assistant?

20 A Yes, sir.

21 Q Is there a level of supervision above the process  
22 assistant?

23 A Yes, sir.

24 Q And what position is that?

25 A Area manager.

1 Q And how many employees does the area manager have to  
2 supervise in a given shift?

3 A It -- it depends. Probably anywhere from 50 to 70.

4 Q Okay. And how many process assistants work on a shift in  
5 a given area?

6 A It depends. We used to have a process assistant for the  
7 pack side, in my area, process assistant for the sort side, and  
8 then a AM for the pack side, and an AM for the sort side, so  
9 that's usually how that goes.

10 Q Okay, and there -- and there are about -- in addition to  
11 the process assistant, there are about somewhere about between  
12 50 and 70 employees --

13 A Well, give or take --

14 Q -- in the area?

15 A Yeah.

16 Q All right. Now, I think you testified when you -- about  
17 attending a meeting where you were shown -- or the ballot  
18 process was explained. Do you recall that testimony?

19 A Yes, sir.

20 Q Okay, who led that meeting, if you remember?

21 A Somebody from Amazon led it.

22 Q Okay. Somebody who was not an employee at BHM1; is that  
23 right?

24 A No, they were an employee.

25 Q They were an Amazon employee, but they weren't assigned to

1 BHM1?

2 A Correct.

3 Q And do you recall the name of the individual?

4 A Yeah, Adam.

5 Q Adam?

6 A Uh-huh.

7 Q And now, I think your testimony was that they -- that you  
8 never recall Amazon asking you to vote a certain way --

9 A Correct.

10 Q -- isn't that right?

11 A Correct.

12 Q Is it your testimony that throughout this entire campaign  
13 Amazon never asked you to vote in a certain way?

14 A Correct.

15 Q So you didn't see any literature that Amazon distributed  
16 to employees asking them to vote no?

17 A Amazon didn't distribute anything to us. We have what we  
18 call in the restroom -- I forgot the proper name, but we have  
19 information platelets (sic) in the -- in the -- in the  
20 restrooms, but they never handed us anything.

21 Q They never -- they never sent you a text message asking  
22 you to vote no?

23 A No.

24 Q They never sent you a communication through A to Z asking  
25 you to vote no?

1 A No, they simply asked me to vote.

2 Q So you didn't -- so sitting here today, you don't know  
3 which -- is it your testimony you didn't know -- you don't know  
4 how Amazon wanted you to vote in this election?

5 A I mean, let's just be honest, don't insult my  
6 intelligence. First of all, I have a mind of my own. I don't  
7 need -- I don't need anybody to tell me how to vote. I know --  
8 I -- I'm intelligent enough to make my own decisions, and --

9 Q Okay.

10 A -- that's the decision that I -- that I made.

11 Q Well, I'm not asking --

12 A I didn't get anything about that.

13 Q -- you about your decision. What I'm asking you is, is it  
14 your testimony that you did not see any acid screen message,  
15 any message through A to Z app, any tabletop, or any other kind  
16 of literature where Amazon was asking you to vote no; is that  
17 correct?

18 A My te- -- my testimony is that the paraphernalia that I  
19 saw was encouraging all employees to vote, period.

20 Q All right. Now, you were asked about the installation of  
21 a mailbox out in front of the facility.

22 A Yes, sir.

23 Q Did you -- did you see a -- a mailbox installed out in  
24 front of the facility?

25 A Of course.

1 Q And is that mailbox still there?

2 A Yeah.

3 Q During the election, was there a tent put around the  
4 mailbox?

5 A Yeah, there was.

6 Q Okay. And were you aware of em- -- employees who used  
7 that mailbox to -- to mail their ballots back?

8 A Yes.

9 Q Now, you -- you testified that -- well, you testified  
10 about a video that you -- that you say you had access to on  
11 Twitter. In that video, Mr. Brewer expressed concerns that  
12 employees were saying that they were concerned about  
13 surveillance --

14 A Uh-huh.

15 Q -- with the mailbox because it's out front.

16 A Uh-huh.

17 Q Did you hear that same concern that there may be some  
18 surveillance of employees if they use that mailbox?

19 A No, I -- I never heard that.

20 Q Okay, well you agree that there are cameras at the front  
21 end of that entrance to that building; is that right?

22 A There are cameras every -- on every inch of the -- of that  
23 building, not just --

24 Q So --

25 A -- the front -- not -- not just the front entrance. There

1 are cameras --

2 Q Right.

3 A -- all -- all at the building.

4 Q So you agree, then, that -- that Amazon has a pretty  
5 extensive network of cameras that can watch what's happening  
6 inside and outside that facility?

7 A Yes.

8 Q Okay. And is that, to your -- to your understanding, is  
9 it common knowledge among employees that Amazon has an  
10 extensive camera network?

11 A Yes, sir.

12 Q Okay. Now, did Amazon tell employees at any meeting that  
13 you attended that a mailbox was going to be installed?

14 A I don't recall that.

15 Q You don't recall that?

16 A No, sir.

17 Q Now, you testified that before the Union, there was, I  
18 guess, talk about a mailbox being installed; do you remember  
19 that?

20 A Yes, sir. Yeah.

21 Q Now, when you say before the Union, is that before the  
22 Union started talking about the mailbox or before the Union  
23 started its organizing drive?

24 A I'm saying we opened the last week in March. I started  
25 the first week in April. In my onboarding process, which is



1 orientation, they talked about installing a post -- a post  
2 office box for the convenience of the employees.

3 Q And they discussed -- they dis -- it's your testimony that  
4 at employee orientation there was discussion about installation  
5 of the mailbox out front for the convenience of employees?

6 A Yes, sir, that's my testimony.

7 Q Okay. And would that -- was -- was that a -- an important  
8 convenience to you that the mailbox be installed?

9 A It was important to me because of the hours they would  
10 work. I mean, we worked ten hours a day. I mean,  
11 everything -- you know, post offices are closed. I mean, you  
12 could grab your mail. I used it for personal use, not --  
13 not -- not a -- not a ballot, but just --

14 Q Thank you.

15 A -- for personal use, yes.

16 Q And so -- so it was -- so you would agree that it was a --  
17 it was a convenience and a benefit to employees to have that  
18 mailbox installed?

19 A Sure.

20 Q Okay. And that mailbox, you would agree, that was  
21 installed for the first time after the Union election process  
22 had started, right?

23 A Yeah.

24 Q Okay, because it was installed, if I'm correct -- well,  
25 let me ask you is it correct that the mailbox was first

1 installed some time in Feb -- early February of 2021?

2 A Yes.

3 Q Have you ever told managers or your manager that the  
4 installation of that ma -- mailbox was a benefit to you?

5 A No, I don't recall that discussion I had, so.

6 Q Okay. Now, you said you heard about it when you started  
7 orientation in 2020, but it -- it wasn't until February of 2021  
8 that it got installed; is that right?

9 A Yeah.

10 Q So would you agree that the reason it was installed was so  
11 that employees can mail their ballots to the NLRB?

12 A No, I don't agree with that.

13 Q You don't agree with that?

14 A No, it was the -- it was for convenience.

15 Q Was there a tent -- was there a tent and a message placed  
16 around the tent about using that mailbox in order to mail back  
17 your ballot?

18 A There was a tent, yeah. There was a tent. And the tent  
19 was placed -- during that time, I think, we were having a lot  
20 of rain, and the tent was placed over the mailbox for that  
21 purpose.

22 Q Oh, so your -- your -- your testimony is that the tent was  
23 put up because of rain?

24 A Yeah, there was a lot of rain. It happens like that.

25 Q Did you talk to anyone in management or in HR that said

1     that that was the reason the tent was put up?

2     A     No, I just have common sense.

3     Q     Okay.

4     A     It was raining then.

5     Q     Well, look at Union --

6           MR. ROUCO: Can we display Union 10, please?

7           HEARING OFFICER MEYERS: Madam Bailiff, can you put up  
8     Union 10, please?

9     Q     BY MR. ROUCO: Mis -- Mr. Thompson, can you see the  
10    document that's previously marked as U-10 in this case?

11    A     Sure.

12    Q     Is that an accurate depiction of the mailbox surrounded by  
13    the tent, at least, during some period of time?

14    A     Yeah, during some period, yes, sir.

15    Q     And that was -- is it fair to say that this tent and the  
16    banners that you see displayed on this Union tent that they  
17    were put up in February of 2021?

18    A     Yes.

19    Q     And that they stayed that way until the end of March of  
20    2021?

21    A     I think so, yes.

22    Q     And do you see on this picture here that it says, "Mail  
23    your ballot here"; do you see that?

24    A     Yeah.

25    Q     So would you agree, then, that Amazon was telling

1 employees that they could mail their ballots at that location?

2 A Yeah, that's what it says.

3 Q That's what it says. Did you ever see any employees bring  
4 their ballots in to work to mail them at that cluster box?

5 A No, I've never witnessed it.

6 MR. ROUCO: Okay. You -- you -- if we can take down Union  
7 10, please. Mr. Thompson, I -- I have no -- no further  
8 questions. Thank you.

9 HEARING OFFICER MEYERS: Any redirect?

10 MS. NIXON: Madam Hearing Officer, if you can just give me  
11 about two minutes to consult, and I'll be right back.

12 HEARING OFFICER MEYERS: Okay, let's -- well, everyone  
13 else will stay on. Just let us know when you're ready.

14 Ms. Nixon, do you have any redirect?

15 MS. NIXON: Yes, ma'am, just a few questions.

16 HEARING OFFICER MEYERS: Okay, please proceed.

17 **REDIRECT EXAMINATION**

18 Q BY MS. NIXON: Mr. Thompson, did the Union have a message  
19 for employees about not using the mailbox at BHM1?

20 A Yes.

21 Q What -- what was that message?

22 A Basically, there was some trickery going on. Don't put  
23 your ballots in that mailbox, don't mail them on your own,  
24 don't -- don't -- don't -- don't bring them to the BHM1.

25 Q How did the Union tell employees about this message?



1 MR. ROUCO: I'm going to object to -- to -- to the extent  
2 that, if they're talking about the Union, they need to talk  
3 about who. Right, the Union doesn't speak.

4 HEARING OFFICER MEYERS: The -- the --

5 MR. ROUCO: You got to identify who you're talking about.

6 HEARING OFFICER MEYERS: I'm going to sustain the  
7 objection.

8 MS. NIXON: Okay.

9 Q BY MS. NIXON: Mis -- Mr. Thompson, did a particular  
10 person with the Union give you a message about not using the  
11 mailbox at BHM1?

12 A I received text messages from the Union. It wasn't a  
13 particular person. It was from the Union.

14 Q Did your coworkers say anything to you about these text  
15 messages?

16 A Yes.

17 Q Did your coworkers say anything to you about the tweet and  
18 the video that we discussed earlier?

19 A Yeah, yeah, we had a discussion about it. They -- no, we  
20 discussed and they were basically, you know, saying that the  
21 video was very confusing and you know, misleading about, you  
22 know -- you know, everybody knows that the U.S. Post Office box  
23 is owned by, not entity, but the United States Post Office, so  
24 basically, no, was -- was a discussion. And also the text  
25 messages, I mean, immediately after the -- Amazon had to turn

1 over our information, I had employees -- associates complaining  
2 that they were just getting too many texts to their phone  
3 concerning it.

4 MR. ROUCO: I'm going to move to strike all the testimony  
5 regarding what employees said to him. Number one, first,  
6 hearsay, and number two, this witness testified he didn't see  
7 the video until after the critical period.

8 HEARING OFFICER MEYERS: I'm going to sustain that  
9 objection.

10 MS. NIXON: Madam Hearing Officer, can I respond about  
11 that, briefly?

12 HEARING OFFICER MEYERS: Uh-huh.

13 MS. NIXON: It -- I believe that, hearing Mr. Rouco's  
14 questioning of Mr. Thompson, that he opened the door for how  
15 the employees viewed this message in conversations between him  
16 and the employees. He asked those same questions.

17 MR. ROUCO: If -- if I may respond to that.

18 HEARING OFFICER MEYERS: Mr. Rouco, do you have a --

19 MR. ROUCO: I don't --

20 HEARING OFFICER MEYERS: -- response?

21 MR. ROUCO: I don't believe I asked him what he talked to  
22 other employees about, so the -- the only issue -- the only  
23 question was in response to the video that they were showing  
24 and the concerns that some of the testimony that Mr. -- or some  
25 of the -- the -- the statements that Mr. Brewer was making and

1 just sort of validating what -- what Mr. Brewer was saying was  
2 accurate. I didn't ask him what he talked to other employees  
3 about.

4 HEARING OFFICER MEYERS: I don't recall any testimony  
5 about what other employees testified about, Ms. Nixon.

6 MS. NIXON: I -- I bel -- I believe he specifically asked  
7 him about conversations that he had with employees about the  
8 video.

9 HEARING OFFICER MEYERS: I don't think he specifically  
10 asked for any testimony regarding what the conversations  
11 that -- that -- the con -- the context of the conversation. I  
12 mean, I -- I don't understand. I mean, I under -- I understand  
13 the peripheral relationship to this case, but I'm not seeing --  
14 outside of the hearsay aspect, I'm -- I'm -- what do we need  
15 this for?

16 MS. NIXON: We're -- we're not offering this for the truth  
17 of the statements, your -- Madam Hearing Officer. We're  
18 explaining that these impressions of these employees and their  
19 discussions with each other about this goes to the heart of  
20 objection 17.

21 HEARING OFFICER MEYERS: Well, because we didn't -- we're  
22 not proceeding on 17, we're done.

23 MR. ROUCO: Well.

24 HEARING OFFICER MEYERS: I mean, I -- we don't need it  
25 because we are not proceeding on objection 17.

1           MR. ROUCO: Well, I -- I think -- well, it -- it --  
2       objection 17 is -- deals with the fact that the installation of  
3       the -- the -- that -- that there was discussion of the  
4       installation of the mailbox prior to it actually being  
5       installed or that -- or that management made statements about  
6       the mailbox being installed, and then prior to its actual  
7       installation -- and then there were some response, some  
8       communication related to the installation of that, you know,  
9       box, and whether ama -- whether the Employer had the  
10      authorization to do so, and then the fact that after there was  
11      some communication about the lack of authorization for doing  
12      that, the Employer still went ahead, installed the mailbox, and  
13      in doing so, conferred a benefit on employees.

14           So this witness was asked about whether that mailbox was a  
15      benefit or not, but I don't think this witness was asked about  
16      any conversations he may have had with other coworkers  
17      regarding the Union's video -- or not even the Union's video,  
18      the video of -- put out by a third party of an interview of one  
19      of the organizers, and -- and I think that's what her question  
20      is. It deals with conversations that they were had -- that  
21      Mr. Thompson had with other coworkers regarding a video that  
22      contains an interview of a Union organizer about the mailbox,  
23      and I just don't think that that's -- that that's hearsay. I  
24      mean, he's talking about -- not only is he testifying hearsay  
25      as to what the coworker said to him, but then he's also



1     testifying about a text message and about a video and  
2     conversations around that, so I just don't think -- I don't see  
3     how -- how -- how --

4           HEARING OFFICER MEYERS: I mean, his -- his testimony with  
5     regards to the text message is his testimony. I mean, the --  
6     you know, obviously not the best evidence. Nevertheless, we're  
7     not nevertheless, however, I mean, I -- bear with me one minute  
8     while I look at the Board's exhibits. I have on my summary  
9     that we didn't go on 17, so I'm not -- unless I have that  
10    incorrect in my summary, which is not completely unlikely.

11          MR. ROUCO: No, I --

12          MS. NIXON: Yes, we are definitely wondering if the Union  
13    has withdrawn objection 17.

14          MR. ROUCO: No, we didn't withdraw objection 17. I -- I  
15    think -- I think we moved -- I think the -- the objections that  
16    we did not go on are objections --

17          HEARING OFFICER MEYERS: I may have put it wrong on my  
18    summary.

19          MR. ROUCO: Right, it's objection -- it's objection 21, I  
20    believe. It's the one that -- it's the objections where there  
21    are changes pending --

22          HEARING OFFICER MEYERS: Yes.

23          MR. ROUCO: -- regarding -- regarding discipline and  
24    terminations, so --

25          HEARING OFFICER MEYERS: We are going on 17. I think I --

1 MR. ROUCO: Right.

2 HEARING OFFICER MEYERS: -- I -- I just had my numbers  
3 wrong. So yes, 17 because 17 was -- my bad. Nevertheless, I  
4 mean, it is hearsay. It doesn't matter that it's  
5 specifically -- that you're not offering it for the proof of  
6 what the employees said, and the question of whether they said  
7 it is -- is double hearsay, and I just -- you know, we could go  
8 down this road, but it's not -- if you insist, I will let you.  
9 I'm not going to overrule your objection, but please understand  
10 I think it's hearsay, so I will accept this evidence for what  
11 I'm going to deem it worth. So proceed.

12 MS. NIXON: Yes, Madam Hearing Officer, we -- it's our  
13 position that this testimony is directly relevant to the  
14 objection --

15 HEARING OFFICER MEYERS: I -- again, I have just -- I have  
16 overruled the objection, and I told you, you can put it in.  
17 You can make whatever arguments you want on brief, but I'm  
18 telling you I think it's hearsay, and I will give it the credit  
19 it's due, but you can make arguments on brief that it's not  
20 hearsay.

21 MS. NIXON: All right, I think I may be finished. Madam  
22 Hearing Officer, that's all we have for this witness.

23 HEARING OFFICER MEYERS: Do you have any recross, Mr.  
24 Rouco?

25 MR. ROUCO: Just one question.

**RECROSS-EXAMINATION**

1  
2 Q BY MR. ROUCO: Mr. Thompson, am I correct that you didn't  
3 have -- you did not have any conversations with a Union  
4 representative about the mailbox; is that right?

5 A Say that again. All right, you're cutting in and out.

6 Q You did not have a one-on-one in-person conversation with  
7 a Union representative about the mailbox; is --

8 A Correct.

9 Q -- that right?

10 A Correct.

11 MR. ROUCO: Okay. Nothing further.

12 HEARING OFFICER MEYERS: All right, thank you -- thank  
13 you, Mr. Thompson. We appreciate you coming in today. You're  
14 done for the day, but the rule of sequestration is in effect,  
15 which means I need you not to talk about your testimony with  
16 anyone, and that you are arguably subject to recall, which  
17 means one of the parties may decide later that they need to  
18 bring you back, so we'll let you know if that's happened.  
19 Otherwise, you're done. Thank you for coming in, and you have  
20 a nice evening.

21 THE WITNESS: All right. Thank you.

22 HEARING OFFICER MEYERS: Excellent. And can we get -- can  
23 we get the other Employer's counsels on so they can tell me  
24 exactly how many witnesses we have for tomorrow, unless you  
25 know specifically, Ms. Nixon?

1 MS. NIXON: I do. I do know. We plan to call one to two  
2 more witnesses tomorrow morning. We believe that we could be  
3 finished by 10:30 to 11 a.m. barring any technical issues or --  
4 or difficulties.

5 HEARING OFFICER MEYERS: Okay. And Mr. Rouco or  
6 Mr. Davies, whoever wants to respond, are you guys going to be  
7 prepared with any rebuttal? That one witness, remember?

8 MR. ROUCO: Yeah, well, it -- it -- I -- I think our  
9 rebuttal will be one witness. Whether we're going to be able  
10 to get the witness on, we're -- we're working on it.

11 HEARING OFFICER MEYERS: I suggest you get the witness on  
12 if they're done by 10:30 or 11.

13 MR. ROUCO: So we -- we're -- we're -- we're -- yes, we're  
14 working --

15 HEARING OFFICER MEYERS: Would you like me to issue a  
16 subpoena?

17 MR. ROUCO: We may need you to do that, but let me --  
18 let -- let me -- let me -- let me check and see, and we'll  
19 say -- is it okay if I commune -- if we communicate via email,  
20 and of course we'll copy everybody, and let you know where --  
21 where we are with that?

22 HEARING OFFICER MEYERS: Okay. I really don't want to go  
23 into Thursday. My daughter graduates from high school on  
24 Friday, so please wrap this up.

25 MR. ROUCO: I will. I understand.

1 HEARING OFFICER MEYERS: You know, she would be very  
2 disappointed that her mother didn't get to go to her graduation  
3 because we were still on the record that was supposed to be  
4 over on Tuesday. But you know, I -- I guess perhaps if you  
5 guys really want to waste Monday, we could go on Monday.  
6 Otherwise, you can hopefully get the witness in tomorrow. So  
7 with that said, if the Employer will have its two witnesses  
8 ready to go tomorrow, we will start at 9:00 Central Time, 10:00  
9 Eastern Time.

10 Any other -- I -- I think I had a housekeeping issue. Oh,  
11 I know what it was. I am going to take administrative notice  
12 of the Employer's brief. I can put it into evidence if the  
13 parties would like. I had the bailiff send it to me. I have  
14 no idea what I've done with it. Is a gazillion -- it's 312  
15 brief pages. Mr. Johnson, brief, not long. It's 312 pages. I  
16 really just need page 1 and page 65 and perhaps the signature  
17 page. Are the parties -- would the parties stipulate to that?

18 MR. JOHNSON: Are you talking about the pre-hearing brief?

19 HEARING OFFICER MEYERS: The pre-hearing, yeah, the -- no,  
20 the --

21 MR. JOHNSON: Okay.

22 HEARING OFFICER MEYERS: -- pre-election brief. The pre-  
23 election brief.

24 MR. JOHNSON: All right, the pre-election brief. Okay, so  
25 we'll take a look. So you're talking about page 1, page 65,

1 and -- and the end.

2 HEARING OFFICER MEYERS: 65 -- all I need --

3 MR. DAVIES: Is this the --

4 HEARING OFFICER MEYERS: I mean, I think it's -- I'm  
5 sorry.

6 MR. DAVIES: I'm sorry. Is this the -- because there was  
7 several briefs filed, you're speaking of the brief that was  
8 filed after the hearing that we had with you back in December  
9 prior to the decision and direction of election?

10 HEARING OFFICER MEYERS: Right, the pre-election -- the  
11 pre-election --

12 MR. DAVIES: Yeah, okay.

13 HEARING OFFICER MEYERS: -- hearing brief at page 65,  
14 where Amazon specifically makes requests regarding a drop box  
15 of sorts.

16 MR. JOHNSON: Okay.

17 HEARING OFFICER MEYERS: Because the parties have alluded  
18 to it, I think it needs to be in the record.

19 MR. JOHNSON: Then we --

20 HEARING OFFICER MEYERS: So -- I'm sorry.

21 MR. JOHNSON: We -- we may want to put some more material  
22 in for the sake of completeness, if that's all right.

23 HEARING OFFICER MEYERS: If we cannot --

24 MR. JOHNSON: Not the whole 312 pages.

25 HEARING OFFICER MEYERS: -- put in the 312 pages. Okay.

1 MR. JOHNSON: Right --

2 HEARING OFFICER MEYERS: Okay.

3 MR. JOHNSON: -- not 312.

4 HEARING OFFICER MEYERS: That's -- I mean, like -- you  
5 guys can pick and choose, I don't care, but not 312 pages,  
6 so -- so if you guys would look at that overnight.

7 I think that's it, and I will see everyone tomorrow at 9  
8 Central Time, 10 Eastern Time. With that, we are in recess  
9 until 9 a.m. Central Time tomorrow. Thank you all.

10 **(Whereupon, the hearing in the above-entitled matter was**  
11 **adjourned at 5:43 p.m. until 9:00 a.m. May 26, 2021.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 10, Case Number 10-RC-26925, AMAZON.COM SERVICES, LLC AND RETAIL, WHOLESALE AND DEPARTMENT STORE UNION, held at the National Labor Relations Board, Region 10, via Zoom Meeting, on May 25, 2021, at 9:20 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



MICHELLE MORALES

Official Reporter